



2026:CGHC:23674



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

REVP No. 136 of 2026

1 - Dev Kumar Nirmalkar S/o Shri Vishwanath Nirmalkar Aged About 54 Years R/o Chantideeh, Thana Sarkanda Tahsil And District Bilaspur, C.G.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Panchayat And Nagariya Prashasan Vibhag Mantralay, Naya Raipur, District Raipur, C.G.

2 - Collector Bilaspur, District Bilaspur, C.G.

3 - Anuvibhagiya Adhikari Karyalay Anuvibhagiya Adhikari Rajasva, Bilaspur, District Bilaspur, C.G.

4 - Tahsildar Tahsil Karyalay Bilaspur, District Bilaspur, C.G.

5 - Commissioner Nagar Palik Nigam Bilaspur, District Bilaspur, C.G.

6 - Upper Commissioner Nagar Palik Nigam Bilaspur, District Bilaspur, C.G.

7 - Karyapalan Abhityanta Nagar Palik Nigam Bilaspur, District Bilaspur, C.G.

... Respondent(s)

For Petitioner(s)	:	Shri Abdul Moin Khan, Advocate.
For State	:	Shri Sabyasachi Choubey, GA.

Hon'ble Mr. Justice Amitendra Kishore Prasad
Order on Board

15/06/2026



1. By way of this Review Petition, the petitioner is seeking review of the order dated 01.04.2026 passed in WPC No.215 of 2021, whereby petition of the petitioner has been dismissed.
2. Petitioner through this Review Petition has prayed that order dated 01.04.2026 passed in WPC No.215 of 2021 be recalled and the said writ petition may allowed/ suitably disposed of.
3. Learned counsel for the petitioner submits that this while adjudicating the writ petition observed and directed the petitioner to file an appropriate application before the concerned authority and the authority shall take necessary steps in accordance with law. Despite such directions the writ petition was dismissed. It is pertinent to mention that, certain directions has been issued by this Court, therefore, in terms of the directions issued, the said petition is liable to be disposed off. He submits that the House No. N-1 situated in village Ligiyadih, District Bilaspur has been allotted to the petitioner under the Urban Poor Housing Scheme. Furthermore, the petitioner has also complied with all the obligations and requisites for allotment of the said House. Therefore, the petitioner is entitled for possession of the said House. Despite, such compliance by the petitioner, the possession of the house has not been handed over to the



petitioner. In compliance of the order dated 12.01.2026 passed by this Court in the said writ petition, the Petitioner filed his affidavit dated 19.01.2026 stating that the possession has not been granted to him and he is interested and is willing to take possession of the House No. N-1.

4. On the other hand, counsel for the other side would support the order under review.
5. Heard leaned counsel for the parties and also perused the order under review.
6. It is undisputed that initially the petitioner was allotted House No. K-04, which could not be handed over due to occupation by a third party, and thereafter, pursuant to the petitioner's request, House No. N-01 was allotted to him vide order dated 15.10.2020.
7. It is evident that the Municipal Corporation took steps to remove the encroachment from the re-allotted house. Notices were issued to the encroacher, police assistance was sought, and arrangements were made for handing over possession to the petitioner on 10.02.2021. It further transpires from the possession certificate placed on record that the petitioner was called upon to take possession after removal of encroachment; however, he refused to accept the same in the presence of officers and



independent witnesses. Even thereafter, an additional opportunity was extended to the petitioner vide communication dated 15.02.2021, but he failed to avail the same.

8. Thus, in the considered opinion of this Court, the respondents have substantially complied with their obligations by removing the encroachment and offering possession of the allotted house to the petitioner who himself declined to accept the same.
9. It is well settled that scope of review jurisdiction is extremely limited and only an error apparent on face of record can be corrected in the said jurisdiction and re-appraisal/re-appreciation cannot be done in exercise of said jurisdiction as that would amount to exercise of appellate jurisdiction which is impermissible in law as has been held in catena of judgments by the Hon'ble Apex Court, such as *Devaraju Pillai v. Sellayya Pillai*, reported in *(1987) 1 SCC 61*, *Meera Bhanja (Smt) v. Nirmala Kumari Choudhury (Smt)*, reported in *(1995) 1 SCC 170*, *Avijit Tea Co. Pvt. Ltd. v. Terai Tea Co. and others*, reported in *(1996) 10 SCC 174*, *Lily Thomas etc. v. Union of India and others*, reported in *AIR 2000 SC 1650*, *Akhilesh Yavad v. Vishwanath Chaturvedi and others*, reported in *(2013) 2 SCC 1* and *Sasi (D) through LRS. v. Aravindakshan Nair and others*, reported in *(2017) 4 SCC*



692).

10. For the foregoing, the grounds raised by the review petitioner in this review petition cannot be permitted to be raised in review petition. Even otherwise, there is no error apparent on the face of record in the order under review warranting invocation of review jurisdiction. Accordingly, the review petition is dismissed.

11. However, in the interest of justice, respondent authorities are directed to consider the representation of the petitioner for handing over the possession of the allotted house and for repairing of house etc. and pass appropriate orders in accordance with law.

**Sd/-
(Amitendra Kishore Prasad)
Judge**

Avinash