2026:CGHC:4154

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

REVP No. 171 of 2021

1 - Ashwani Kumar Bandhe S/o Mohan Lal Bandhe Aged About 47 Years R/o Village Baroda, Post And P.S. Mana Camp, Tashil Arang, District Raipur Chhattisgarh.

... Petitioner

versus

1 - Union Of India Through Secretary Defense, New Delhi.

2 - Union Of India, Through Secretary, Supply And Rehabilitation Department New Delhi

3 - Union Of India, Through Secretary Civil Aviation, New Delhi

4 - Managing Director, Airport Authority Of India (Aai) Address A.A.I. Building, Sufdarjang Airport, New Delhi.

5 - Director, Vivekanand Airport, Civil Airprt, Raipur, Chhattisgarh.

6 - State Of Chhattisgarh, Through Secretary, Revenue Department, Mahanadi Bhawan, New Raipur, Raipur Chhattisgarh.

7 - Collector, Raipur, District Raipur Chhattisgarh.

8 - Sub Divisional Officer/land Acquisition Officer (Revenue), Raipur, District Raipur Chhattisgarh.

9 - Nayab Tahsildar, Mandir Hasaud, District Raipur Chhattisgarh.

10 - Nava Raipur Development Authority, Through Managing Director, Nava Raipur, Development Authority, Raipur Chhattisgarh.

... Respondent(s)

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Ravindra Sharma, Advocate.
For Res. 1 to 5/UoI	:	None.
For Res. 6 to 10	:	Mr. Avinash Singh, Govt. Advocate with Mr. Amiya Bhushan, P.L.
For Intervener	:	Mr. Prakash Tiwari, Advocate.

Hon'ble Smt. Justice Rajani Dubey, J

(ORDER ON BOARD)

23.01.2026

1. By this review petition, the petitioner is seeking review of the order dated 23.11.2021 passed in WPS No. 4724/2021 whereby the order dated 23.01.2021 passed by the Nayab Tahsildar, Mandir Hasaud in Revenue Case No.24-A/06-A/2017-18 was quashed and directed the respondent No.9 to make an inquiry in the matter by affording opportunity to the petitioner for submitting evidence and documents and also make reference to the revenue records prior to the date the land was requisitioned and then pass appropriate speaking order.

2. Learned counsel for the petitioner would submit that the ancestor of the petitioner was duly recorded as possession holder/occupancy tenant in the Jamabandi (revenue record) for the year 1929–30, and on the basis of these lawful and undisputed revenue entries, the Central Government issued a release order in favour of Mohan Lal S/o Anup. which

clearly establish the lawful possession and entitlement of the petitioner's ancestor. It is further submitted that the Respondent No.2, vide its letter dated 24.05.1978, issued the release order in favour of Mohan Lal S/o Anup. Pursuant thereto, the Respondent No.7/Collector, Raipur, vide noting dated 26.05.1978, specifically directed correction of the revenue records in the name of Mohan Lal S/o Anup. Thus, once such directions were issued by the competent authorities, the revenue authorities were left with no other option and were bound to carry out the correction, and therefore no further or separate revenue proceedings is required. Learned counsel also submitted that upon the application for correction of revenue entries, the Respondent No.9/Nayab Tahsildar registered Revenue Case No. 24-A/06-A/2017-18, conducted a detailed inquiry, and submitted a report dated 20.09.2018, followed by a subsequent report dated 18.11.2019. Since a full inquiry has already been conducted and reports have been duly submitted by the competent authority, there remains no justification or necessity for any further inquiry in the matter. It has been also argued that the petitioner is the lawful owner of the subject land, and the Respondent No.9 has failed to correct the petitioner's name in the revenue records without assigning any cogent or lawful reason. Such inaction on the part of the respondent authority is illegal, arbitrary, improper, and contrary to settled principles of revenue law. Learned counsel also submits that the petitioner, by way of an application under the Right to Information Act, sought documents showing the basis on which the land of the petitioner's ancestor was recorded in the name of the State Government, and on 12.04.2013, the Sub-Divisional Officer categorically stated that no order exists for correction of the revenue records in the name of the State Government in place of Mohan Lal, which clearly shows the claim of the State and establishes that the existing entry in favour of the State Government is without any legal foundation. Thus, in view of the aforesaid facts and circumstances, the order dated 23.11.2021 suffers from errors apparent on the face of the record and has resulted in grave miscarriage of justice. Therefore, the said order may be reviewed in the interest of justice.

3. In support of his submission, he placed reliance on the decisions of Hon'ble Apex Court in the matter of ***Dharam Deo Narayan Singh Vs. State of Jharkhand & Ors.*** reported in ***AIR 2009 SC (Supp) 1784*** and ***Isolators and Isolators through its Proprietor Sandhya Mishra Vs. Madhya Pradesh Madhya kshetra Vidyut Vitran Col. Ltd and Ors.*** reported in ***MANU/SC/0399/2023.***

4. Mr. Prakash Tiwari, learned counsel for Intervener supporting the impugned order submits that the learned Trial Court only directed for enquiry and this Court directed for fresh enquiry, as such, no case for review of the order dated 23.11.2021 is made out.

5. Mr. Avinash Singh, learned Govt. Advocate for the State/respondent Nos. 6 to 10 supported the impugned order.

6. I have heard learned counsel for the parties and perused the material on record.

7. The main objection of the petitioner is that this Hon'ble Court, in paragraph 5 of the order dated 23.11.2021, has committed an error apparent on the face of the record in holding that Respondent No.9 had not conducted any inquiry prior to passing the impugned order. The record of the writ petition shows that a detailed inquiry was conducted by the Tahsildar and the inquiry reports were placed on record by the petitioner. The impugned order was passed only after completion of such inquiry, but this Court did not appreciate that enquiry.

8. This Court in para 9 of the impugned order dated 23.11.2021 held as under :-

> *"9. Considered on the submissions and perused the documents present in the record of the petition. The prayer made by the petitioner for*

> *correction of revenue records is certainly a prayer made by him under Section 116 of the Chhattisgarh Land Revenue Code, 1959. Under this provision, the Tahsildar has authority to make an inquiry and passed necessary orders. On perusal of the impugned order, it is found that the respondent No.9 has not made any inquiry before passing the impugned order, hence, impugned order itself has been passed in a manner which amounts to refusal to exercise the jurisdiction available to the respondent No.9, therefore, this petition is disposed off at motion stage. The impugned order is quashed. Respondent No.9 is directed to make an inquiry into the matter by affording opportunity to the petitioner for submitting evidence and documents and also make reference to the revenue records prior to the date the land was requisitioned and then pass appropriate speaking order."*

9. A plain reading of the operative portion of the order of this Court makes it abundantly clear that the direction issued was confined only to requiring Respondent No.9 to conduct an inquiry after affording due opportunity to the petitioner to submit evidence and documents, to examine and make reference to the relevant revenue records prior to the date of requisition of the land, and thereafter to pass a reasoned and speaking order. The scope of the direction was thus limited and specific, leaving no ambiguity whatsoever.

10. 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).**

11. 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 at the admission stage itself. No cost(s).

Sd/-

(Rajani Dubey)
Judge