CGHC010267902026 2026:CGHC:36092

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Review Petition No. 231 of 2026

SUNITA GOSWAMI

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Date: 2026.08.14 17:47:13 +0530

1 - Chief Engineer (NH), Public Works Department, NH Division, Pensionbada, Raipur, District- Raipur Chhattisgarh,

2 - Executive Engineer (NH), Public Works Department, NH Division, Bilaspur, District- Bilaspur Chhattisgarh

... Petitioners

versus

1 - Renu Tiwari W/o Shri D.N. Tiwari presently Aged About 65 Years, R/o Vaibhawa Niwas Near C C I Main Gate C C I Road, Akaltara District Janjgir Champa Chhattisgarh. (Petitioner)

2 - State of Chhattisgarh Through - The Secretary Department of Revenue, Mantrayala Mahanadi Bhavan, Naya Raipur, District- Raipur Chhattisgarh, (Respondent No.1)

3 - Collector, Janjgir Champa, District- Janjgir-Champa Chhattisgarh. (Respondent No.3)

4 - Sub- Divisional Officer Revenue, Janjgir-Champa, District- Janjgir Champa Chhattisgarh And Competent Authority N.H. No. 200 New No. 49 District- Janjgir Champa Chhattisgarh (Respondent No 4)

5 - Sub- Divisional Officer Revenue, Janjgir Champa, District Janjgir Champa Chhattisgarh. (Respondent No 5)

6 – Tahsildar, Akaltara, Janjgir Champa, District- Janjgir-Champa Chhattisgarh. (Respondent No.6)

7 - Sub Divisinal Officer, Hasdeo Byein Tat Nahar Prabandh, Up Sambhag No.7 Nariara, District- Janjgir-Champa Chhattisgarh.(Respondent No.7)

---- Respondents

For Petitioners : Shri Dhiraj Kumar Wankhede, Advocate

For Respondent No.1 : Shri Sumesh Bajaj, Advocate appears along with Shri Ayush Verma and Shri Rishabh Bajaj, Advocates, on advance copy.

For State/Respondents No.2 to 7: Shri Vinod Tekam, Government Advocate

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Single Bench:Hon'ble Shri Justice Sanjay S. Agrawal

Order On Board

13.08.2026

1. This review petition has been filed by the petitioner – Chief Engineer (NH), Public Works Department, Raipur, questioning the legality and propriety of the order dated 29.07.2024, passed by this Court in WPC No.1847/2017 "**Renu Tiwari Vs. State of Chhattisgarh and Others**".

2. The aforesaid order has been questioned after passing a considerable period of about two years, mainly on the ground that the National Highways Authority of India, Shankar Nagar, Raipur, was wrongly impleaded there in the said writ petition, as respondent No.2, instead of impleading the present petitioners, i.e. Chief Engineer (NH) and Executive Engineer (NH) of Public Works Department, Raipur, as the subject matter involved therein, was pertaining to the project which relates to the Public Works Department, National Highways, Division Bilaspur and, falls within the jurisdiction of the present petitioners. It is, therefore, contended that in absence of impleading the petitioners in the said writ petition, the order impugned has been passed, which is apparently, an error on the face of the record and deserves to be recalled under the review jurisdiction.

3. It, however, appears from perusal of the record of the said writ petition, that despite issuance of direction by the authorized officer of the National Highways Authority of India, to its counsel vide letter, dated 21.11.2017 upon receiving the notice of the said petition, none were appeared, nor any objection to this effect was raised by the respondents No. 1 and 3 to 7/State, that the said petition as framed suffers from non-joinder of the necessary parties and, now for the first time and, that too, under the review jurisdiction, it has been raised beyond its scope. The ground so raised in this petition is neither amenable, nor even permissible to be taken into consideration under the review jurisdiction, in the light of the principles laid down by the Supreme Court in the matter of **Parsion Devi and others vs. Sumitri Devi and others,** reported in **(1997) 8 SCC 715**, wherein, while interpreting the review jurisdiction provided under Order 47, Rule 1 of C.P.C., it was held at para 9, which is relevant of the purpose reads as under :-

> **"9**.Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise".

4. In view of the aforesaid principles laid down by the Supreme Court, it is, thus, evident that even if the decision is erroneous, the same by itself would

not be amenable or permissible to be corrected under the review jurisdiction, unless and until the mistake or error is shown to be apparent on the face of the record, however, the grounds as raised herein are even beyond its scope to be considered. The petition as framed, thus, appears to be frivolous in nature.

5. Since the petitioners have approached this Court with an ulterior motive in order to defraud the benefit accrued to the respondent No.1 (who was the petitioner in the said writ petition) after passing of a considerable period of about two years based upon a ground which is not amenable under the review jurisdiction, therefore, the instant petition as framed and filed deserves to be burdened with exemplary costs, as the Supreme Court in the matter of **"Dnyandeo Sabaji naik and another vs. Pradnya Prakash Khadekar and others"** reported in **(2017) 5 Supreme Court Case 496** had deprecated the conduct of the litigants in flooding the Court with frivolous litigations, as a result of which, the genuine matters, which require consideration, are delayed. The relevant observation made therein at paragraphs 13 and 14 read as under :-

> "**13**. This Court must view with disfavour any attempt by a litigant to abuse the process. The sanctity of the judicial process will be seriously eroded if such attempts are not dealt with firmly. A litigant who takes liberties with the truth or with the procedures of the Court should be left in no doubt about the consequences to follow. Others should not venture along the same path in the hope or on a misplaced expectation of judicial leniency. Exemplary costs are inevitable, and even necessary, in order to ensure that in litigation, as in the law which is practised in our country, there is no premium on the truth.

14. Courts across the legal system - this Court not being an exception - are choked with litigation. Frivolous and groundless filings constitute a serious menace to the administration of justice. They consume time and clog the Infrastructure. Productive resources which should be deployed in the handling of genuine causes are dissipated in attending to cases filed only to benefit from delay, by prolonging dead issues and pursuing worthless causes. No litigant can have a vested interest in delay. Unfortunately, as the present case exemplifies, the process of dispensing justice is misused by the unscrupulous to the detriment of the legitimate. The present case is an illustration of how a simple issue has occupied the time of the courts and of how successive applications have been filed to prolong the inevitable. The person in whose favour the balance of justice lies has in the process been left in the lurch by repeated attempts to revive a stale issue. This tendency can be curbed only if courts across the system adopt an institutional approach which penalizes such behavior. Liberal access to justice does not mean access to chaos and indiscipline. A strong message must be conveyed that courts of justice will not be allowed to be disrupted by litigative strategies designed to profit from the delays of the law. Unless remedial action is taken by all courts here and now our society will breed a legal culture based on evasion instead of abidance. It is the duty of every court to firmly deal with such situations. The imposition of exemplary costs is a necessary instrument which has to be deployed to weed out, as well as to prevent the filing of frivolous cases. It is only then that the courts can set apart time to resolve genuine causes and answer the concerns of those who are in need of justice. Imposition of real time costs is also necessary to ensure that access to courts is available to citizens with genuine grievances. Otherwise, the doors would be shut to legitimate causes simply by the weight of undeserving cases which flood the system. Such a

> situation cannot be allowed to come to pass. Hence it is not merely a matter of discretion but a duty and obligation cast upon all courts to ensure that the legal system is not exploited by those who use the forms of the law to defeat or delay justice. We commend all courts to deal with frivolous filings in the same manner."
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> (Emphasis Supplied)

6. In view of the aforesaid mandate given by the Supreme Court, the instant petition is, accordingly, dismissed with a cost of Rs.50,000/- (Rs. Fifty Thousand only) which shall be payable by the petitioners to the High Court Bar Association though its Secretary, within a period of 45 days from today, failing which, the same shall carry interest @ 6% per annum from the date of passing of this order till its realization.

Sd/-

(Sanjay S. Agrawal)
JUDGE

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