(1986) 2 GLR 106

Gauhati High Court

Case No: Civil Rule No. 147/86

Sri Buddheswar Dowari		APPELLANT
	Vs	
The State of Assam and Others		RESPONDENT

Date of Decision: May 21, 1986

Citation: (1986) 2 GLR 106

Hon'ble Judges: S.N. Phukan, J; K.N. Saikia, J

Bench: Division Bench

Advocate: A.C. Burugohain, for the Appellant; B. Sarma, A.C. Sarma and J. Sarma, for the Respondent

Judgement

1. The Petitioner impugns the notice conveyed in the Telegram dated 7.2.86 followed by Memo No. SMG. 49/85/Pt/i dated 11.2.86 staling that

one Shri Tarun Chandra Bailung appealed to Government against settlement of Rajmal Cattle market with the Petitioner, and fixing the date of

bearing of that appeal on 14.2.86 at 11 A.M. The said Rajmal Cattle market was settled with the Petitioner by the Sibsagar Mohkama Parishad

against which said Tarun Chandra Bailung appealed and the appellate authority by order dated 4.2.86 dismissed that appeal, thus upholding the

settlement in favour of the Petitioner. Thereafter the Respondent No. 3 Tarun Chandra Bailung fied the said appeal for review whereupon the

impugned notice (Annexure A to the petition) was issued. The Petitioner in fact appeared before the appellate authority on 14.2.86 and objected

to taking up (Sic).

(Sic) Page 107 missing

(Sic) final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary to do

so. Thus, finality of the judgment delivered by the Court will not be reconsidered except where a glaring omission or patent mistake or like grave

error has crept in earlier by judicial fallibility. Similarly in Col. Avtar Singh Sekhon Vs. Union of India (UOI) and Others, it has been reiterated that

a review is not a routine procedure and the earlier order cannot be reviewed unless the court is satisfied that material error, manifest on the face of

the order, undermines its soundness or results in miscarriage of justice. It is true that in the provisions u/s 13 of the Panchayati Raj Act there is no

express provision for review.

4. As the Petitioner has already appeared before the authority and only about six weeks of tenure are left, no useful purpose will be served by our

interference at this stage. Even if a writ is issued, it is likely to be futile. Under similar circumstances we have rejected such petitions on the same

ground. This petition is also disposed of accordingly. There will be no order as to costs.