

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.302 of 2014

In
Civil Writ Jurisdiction Case No. 921 of 2012

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1. Kashi Paswan Son of Sheo Murat Paswan Resident of Village - Karma, P.S. - Kudra, Distt. - Kaimur At Bhabhua (Bihar)
 2. Jai Prakash Ram Son of Sigasan Chamar Resident of Village - Karma, P.S. - Kudra, Distt. - Kaimur At Bhabhua (Bihar)
 3. Bhagirathi Ram Son of Late Mahesh Ram Resident of Village - Karma, P.S. - Kudra, Distt. - Kaimur At Bhabhua (Bihar)
 4. Ramashish Kahar Son of Ram Bachan Kahar Resident of Village - Karma, P.S. - Kudra, Distt. - Kaimur At Bhabhua (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Kaimur District Kaimur at Bhabhua
3. The Sub Divisional Magistrate, Mohania, District Kaimur at Bhabhua.
4. The Block Development Officer, Kudra Block, District Kaimur at Bhabhua.
5. The Circle Officer, Kudra Block, District Kaimur at Bhabhua.
6. The Deputy Collector Land Reforms, Kaimur at Bhabhua.
7. Surendra Prasad Singh Son of Late Ram Kaber Singh, resident of Village - Karma, P.O. - Kudra, P.S. - Kudra, District Kaimur at Bhabhua.

.... Opp.Parties/s

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Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate
For the Opp.Parties : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT
Date: 22-01-2015

Heard learned counsel for the petitioners.

2. The review petitioners, who were not parties in CWJC No. 921 of 2012, have filed the present Civil Review application seeking review of the order dated 24.04.2012 passed in the aforesaid CWJC No. 921 of 2012 by a Bench of this Court (Coram: Sheema Ali Khan, J. since deceased) whereby the aforesaid writ petition filed on behalf of the writ petitioner-opposite party no.7 herein was disposed of with a direction to the Circle Officer, Kudra, Kaimur to expedite the disposal of Encroachment Case No. 02 (KA) of 2007-2008.

3. Learned counsel appearing on behalf of the review

petitioners submits that aforesaid encroachment proceeding is still pending and has not been finally disposed of till date by the Circle Officer, Kudra, Kaimur.

4. Since the writ Court has simply issued direction to the Circle Officer, Kudra, Kaimur to expedite the disposal of the aforesaid encroachment case, which is still pending and has not been finally disposed of, therefore, in the considered opinion of this Court the present Review application filed on behalf of the present petitioners is completely misconceived and untenable. Apparently, no specific direction was issued by this Court with respect to the lands, which are the subject matter of dispute in the aforesaid encroachment case. The order passed by the learned writ Court is not against the interest of the petitioners. No case for review is made out.

5. However, if the petitioners have any right, title or possession over the lands in question, which are the subject matter of decision in the aforesaid encroachment case, then they have a remedy to enter appearance in the aforesaid encroachment case and raise their claims there in that proceeding. If the order passed by the Circle Officer in the aforesaid encroachment case goes against the petitioners, then still they have further remedy of appeal before the prescribed appellate authority.

6. In above view of the matter, the present review application is dismissed with liberty to the petitioners to approach the appropriate forum/authority/court for ventilation of their valid grievances/claims.

(Birendra Prasad Verma, J)

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