

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.104 of 2013

In

Civil Writ Jurisdiction Case No. 9046 of 2006

With

Interlocutory Application No. 1809 of 2013

In

Civil Review No.104 of 2013

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1. The State of Bihar

2. The Collector, Muzaffarpur.

3. The D.C.L.R. East-cum-Khas Mahal Officer, Muzaffarpur

.... Respondents.... Petitioner/s

Versus

Aquli Ahmad son of Late Jamil Mian, resident of Chandwara Maharaja Road, P.S.
Town, District- Muzaffarpur.

.... Petitioner Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Abhnay Raj, AC to AAG-2.

For the Opp. Party/s : None.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 29-01-2015

Heard learned counsel for the petitioners. However, none appears on behalf of the opposite party, though he has already entered appearance through a counsel.

The State of Bihar and its functionaries, who were respondents in C.W.J.C. No. 9046 of 2006, have filed the present review application seeking review of the order dated 02.01.2012 passed in aforesaid C.W.J.C. No. 9046 of 2006 by a Bench of this Court [Coram: Sheema Alia Khan, J, since deceased], whereby the aforesaid writ petition filed on behalf of the writ petitioner- sole opposite party herein was disposed of with certain observations.

Learned counsel appearing on behalf of the petitioners submits that the father of the opposite party/ writ petitioner was issued a licence for running a stall/ shop situate over the land adjoining the boundary of the Civil court at Muzaffarpur. It is the case of the petitioners that the father of the opposite party (writ petitioner) died in

the year 1995. Thereafter, licence was not renewed on the ground that requisite fee was not paid by him or the heirs of the deceased settlee. The writ court directed the D.C.L.R. to hold enquiry for coming to the conclusion as who is in actual possession over the shop in question for making settlement and on payment of licence fee/ requisite fee, licence was directed to be renewed.

Learned counsel appearing on behalf of the petitioners submits that if the shop in question is allowed to be retained by the writ petitioner/ opposite party, then that will create obstruction in the passage of Mediation centre at Muzaffarpur.

It is not in dispute that settlement of shop/stall is made on annual basis by the competent authority. If the petitioners are of the opinion that the lands in question is required for public purposes, then certainly they will be well within their jurisdiction to cancel the licence of the opposite party (writ petitioner) after following the procedure prescribed under law and after giving an opportunity of hearing to the writ petitioner. This is also not in dispute that till date licence has not been issued in favour of the writ petitioner with respect to the lands in question.

Since the petitioners have adequate remedy with respect to the lands in question, as indicated above, therefore, this Court is not inclined to review the aforesaid order dated 02.01.2012 passed in C.W.J.C. No. 9046 of 2006. However, the petitioners shall be at liberty to take appropriate action/ steps in accordance with law.

The review application stands disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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