

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.48 of 2016

IN
Civil Writ Jurisdiction Case No. 7603 of 2012

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Sanjeev Tulsyan, son of Late Pahlad Rai Tulsyan, resident of Mayaram Market,
Mayaram Road, P.S.- Khagaria, District- Khagaria

.... Petitioner

Versus

1. The State of Bihar through Secretary
2. The Commissioner, Munger Division, Munger
3. The District Magistrate, Munger-Cum-Licensing Authorities
4. Executive Engineer, Building Construction Department, Khagaria
5. Krishna Cinema through its Licensee Vijay Kumar Gupta, son of Late
Parmanand Gupta, resident of Main Road, Khagaria, P.S.- Khagaria, District-
Khagaria.
6. Shard Kumar Tulsyan, son of Raj Kumar Tulsyan, resident of Mayaram
Road, P.S.- Khagaria, District- Khagaria.

.... Opposite parties

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Appearance:

For the Petitioner	:	Mr. S.D.Sanjay, Sr. Advocate Mr. Alok Kumar Agrawal, Advocate Ms. Priya Gupta, Advocate
For the O.P. No. 5	:	Mr. Pravin Chandra Prasad, Advocate
For the State	:	Mr. Brajesh Kumar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-11-2016

Heard learned senior counsel for the petitioner and learned
counsel for the respondents.

2. This application has been filed for review of the judgment
dated 16.09.2015 passed in CWJC No. 7603 of 2012, whereby the writ
petition has been dismissed.

3. Mr. S.D. Sanjay, learned senior counsel appearing on behalf
of the petitioner submits that the judgment is fit to be reviewed
inasmuch as there was no suppression of facts as held therein. The
earlier writ petition in CWJC No. 5958 of 2012 had been filed in which
M/s Shree Ram Talkies was impleaded as one of the respondents,

whereas CWJC No. 7603 of 2012 had been filed in which M/s Krishna Cinema was one of the respondents, and the relief had been sought on entirely different grounds. It is therefore, submitted that the petitioner was not required to make a statement of disclosure in CWJC No. 7603 of 2012 with regard to filing of CWJC No. 5958 of 2012 earlier.

4. Having heard learned senior counsel for the petitioner and learned counsel for the State, this Court finds the petition to be devoid of merit. The writ petition was disposed of having due regard to the fact that the private respondents were different in the two writ petitions, which is obvious from para 3 of the judgment wherein the earlier order dated 26.11.2014 has been quoted. This Court being fully mindful in this behalf, has arrived at the finding of suppression of fact on the part of the petitioner. It is well settled that the Court in exercise of its review jurisdiction does not sit in appeal over the judgment under review. This Court is therefore, not satisfied that there is any error apparent on the face of the record or any sufficient reason which might warrant exercise of its review jurisdiction.

5. The review application accordingly stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
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