

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.432 of 2014

Arising out of

Civil REV. 225 of 2008

Arising out of

Civil Writ Jurisdiction Case No. 15957 of 2007

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1. Baijanti Devi @ Bebi, Wife of Shri Umesh Kumar, C/O Ram Charitar Prasad Singh, resident of Professor Colony, Dhaneshwarghat Asthan, Post Office And Police Station- Bihar Sharif, District- Nalanda

.... Petitioner-Petitioner-Appellant

Versus

1. The State of Bihar

2. Collector, Nalanda, District- Nalanda

3. Additional Collector, Nalanda, District- Nalanda

4. S.D.O., Bihar Sharif, District- Nalanda

5. D.C.L.R., Bihar Sharif, District- Nalanda

6. Circle Officer, Rahui, District- Nalanda

.... Respondents-Respondents-Respondents

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Appearance :

For the Appellant

: Mr. K.N. Chaubey, Sr. Adv. with

M/S Siddharth Harsh & A.N. Chaubey, Advs.

For the Respondents

: Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

3 18-08-2016

The order, dated 25th September, 2013, passed by the learned single Bench in review petition is subject matter of challenge in the present Letters Patent Appeal.

The learned Single Bench vide order, dated 21st February, 2008, dismissed the writ application filed by the appellant wherein the challenge to the proceeding under Section 4 H of the Bihar Land Reforms Act, 1950, remained unsuccessful.

Aggrieved against the order, passed by the learned Single Bench, the appellant filed L.P.A. No. 709 of 2008 which was withdrawn on 10th September, 2008. The order reads as under :

“Senior Counsel for the appellant prays for withdrawal of this

appeal with liberty to the appellant to apply to the single judge for review of the order, dated 21st February, 2008.

We accede to the request of the Senior Counsel and allow the appeal to be withdrawn with liberty as prayed. This disposes of the application (I.A. No. 5508 of 2008) for condonation of delay as well.”

It is thereafter, the appellant filed a review application, which has been dismissed by the order impugned in the present appeal.

Once, the appellant has withdrawn the Letters Patent Appeal against an order passed in the writ application, the appellant can not be permitted to dispute the findings recorded therein, in an appeal against the order passed in review. What can be permitted to be disputed in the present appeal is whether there is any error on the face of the record, that is, the basis of exercise of the jurisdiction of review.

Since, the learned single Bench has not found any error in the order passed, on merit, for the same reason, we do not find any ground to interfere in the Letters Patent Appeal against the order dismissing the review petition.

The Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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