

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.136 of 2013

In

Civil Writ Jurisdiction Case No. 3660 of 2005

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1. Ram Nandan Singh S/O Late Tilak Dhari Mahto, Resident of Village- Jamuara Kala, Police Station- Raushanganj, District- Gaya.
 2. Niranjan Prasad S/O Sri Shankar Prasad, Resident of Village- Nawatola, Police Station- Raushanganj, District- Gaya.
 3. Tijiya Devi W/O Narayan Prajapati, Resident of Village- Bara Tand, Police Station- Banke Bazar, District- Gaya.
 4. Kapoorawa Devi W/O Basant Yadav, Resident of Village Asurain, Police Station- Imamganj, District- Gaya.
 5. Fulawa Devi W/O Vijay Yadav, Resident of Village Asurain, Police Station- Imamganj, District- Gaya.
 6. Geeta Devi W/O Prabhu Sao, Resident of Village- Nauhar, Police Station- Raushanganj, District- Gaya.
 7. Kaushalya Devi W/O Shankar Sao, Resident of Village- Nauhar, Police Station- Raushanganj, District- Gaya.
 8. Ram Nandan Mehta S/O Bharat Mehta, Resident of Village- Kundi, Police Station- Raushanganj, District- Gaya.
 9. Raj Nandan Mehta S/O Bharat Mehta, Resident of Village- Kundi, Police Station- Raushanganj, District- Gaya.
 10. Shyam Nandan Mehta S/O Bharat Mehta, Resident of Village- Kundi, Police Station- Raushanganj, District- Gaya.
 11. Saxena Mehta S/O Bharat Mehta, Resident of Village- Kundi, Police Station- Raushanganj, District- Gaya.
 12. Satya Rupa Devi W/O Awadhesh Prasad, Resident of Village- Neuriya, Police Station- Raushanganj, District- Gaya.
 13. Kaushalya Devi W/O Jag Narayan Prasad Resident Of Village- Kundi, Police Station- Raushanganj, District- Gaya.
 14. Babu Lal @ Babu Lal Prasad S/O Aguni Mahto (H/O Late Sarswati Devi), Resident of Village- Juri, Police Station- Banke Bazar, District- Gaya.
 15. Asha Devi W/O Sri Shiv Pujan Prasad, Resident of Village- Ajamgarh, Police Station- Raushanganj, District- Gaya.
 16. Neshar Ahmad S/O Late Kallu Kuraishi, Resident of Village- Dumrawan, Police Station- Raushanganj, District- Gaya.

.... Petitioner/s

Versus

1. Md. Ishaque Ansari S/O Late Md. Rustam Ali, Secretary of Joundhi Quabristan, Resident of Village- Tandwa, Joundhi, Police Station- Aman, (Bankey Bazar), District- Gaya
2. The State of Bihar through Collector, Gaya, District- Gaya.
3. The Joint Director, Consolidation, Gaya.
4. The Deputy Director, Consolidation, Gaya.
5. The Consolidation Officer, Amas, District- Gaya.
6. Deputy Collector Land Reforms, Sherghati, District- Gaya.
7. Ram Prasad Chaudhary S/O Late Anup Chaudhary, Resident of Village- Tandwa Tola, Khaparundh, Police Station- Amar Raushanganj (Bankey Bajar), District- Gaya.
8. Rajendra Chaudhary S/O Late Anup Chaudhary, Resident of Village-

Tandwa Tola, Khaparundh, Police Station- Amar Raushanganj (Bankey Bajar), District- Gaya.

9. Mahendra Chaudhary S/O Late Anup Chaudhary, Resident of Village- Tandwa Tola, Khaparundh, Police Station- Amar Raushanganj (Bankey Bajar), District- Gaya.

10. Tenni Chaudhary S/O Late Chhedi Chaudhary, Resident of Village- Tandwa Tola, Khaparundh, Police Station- Amar Raushanganj (Bankey Bajar), District- Gaya.

11. Sundari Devi D/O Late Jagdish Choudhary and W/O Rajendra Choudhari, Resident of Village and P.S- Chak, District- Palamu (Jharkhand)

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Pd. Singh

For the Respondent No.1 : Mr. Javed Jafar Khan

For the Respondent No. 2 to 6: Mr. Shashi Shekhar Pd. Sinha, AC to GA-13

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 27-04-2016

The petitioners, 16 in number, have filed the present civil review application seeking review of the judgment and order dated 21.09.2010 passed in CWJC No. 3660 of 2005 by a Bench of this Court [Coram: Sheema Ali Khan, J, since deceased].

By the aforesaid order dated 21.09.2010, CWJC No. 3660 of 2005 filed by one Md. Ishaque Ansari, who has been impleaded as respondent no.1 in the present proceeding, was allowed and the order dated 11.12.1992 passed by the Joint Director of Consolidation, Gaya in Revision Case No. 1455 of 1990-91 was set aside and the parties were granted liberty to take other legal remedies available to them.

The learned counsel appearing on behalf of the petitioners submits that they were not made party in the writ proceeding and these petitioners were not parties even before the revisional authority, but they have purchased the lands in question from the respondent no. 6 to 10 of the writ petition, who have been impleaded as the respondent no. 7 to 11 in the present proceeding.



Therefore, according to him, the petitioners were required to be heard before passing any final order by the writ court. He has further submitted that in the light of the observations made by the writ Court, now Title Suit No. 133 of 2013 has been filed by the vendors of the present petitioners for grant of appropriate relief with respect to the lands in question, but in that title suit also they have not been impleaded as party defendants.

The learned counsel appearing on behalf of the original writ petitioner- opposite party no.1 herein has contested the matter. According to him, the petitioners have no locus standi to seek review of the order passed by the Writ Court, because at the relevant time when the revisional order was passed, the petitioners had no legal right over the lands in question. He further submits that if the claim of purchase of the petitioners was bonafide, then their vendors could have impleaded them as party- defendants in the pending title suit, but they have not been impleaded as party-defendants. Hence, according to him, the claim of the present petitioners appears to be very doubtful and cannot be determined in the present review petition.

After having heard the learned counsel appearing on behalf of the petitioners and the learned counsel appearing on behalf of the respondent no.1 as also the learned State counsel appearing on behalf of the official respondents, the present review application is disposed of with an observation that the petitioners, if so advised, may intervene in the pending Title Suit No. 133 of 2013 for impleading them as party-defendants, as their vendors have filed the aforesaid title suit with respect to the lands in question claimed by these petitioners. It goes without saying that if an appropriate intervention petition is filed on behalf of the

present petitioners before the civil court in the aforesaid pending title suit, then the same shall be considered and decided strictly in accordance with law and the parties shall be at liberty to raise all the issues of facts and law, which may be available to them with respect to the lands in question.

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

(Birendra Prasad Verma, J)

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