

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.228 of 2014

In
First Appeal No. 502 of 1989

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Daya Shankar Prasad Thakur

.... Petitioner/s

Versus

The State of Bihar Through The Collector, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheela Sharma

For the Respondent/s : Mr. Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

5 04-08-2016 Heard the learned counsel, Mr. Shivendra Kumar Rai, for the petitioner and the learned counsel, Mr. Binod Kumar, A.C. to G.P.10 on behalf of the State-opposite parties.

This review application has been filed by the appellant of First Appeal No.502 of 1989 for review of the order dated 16.04.2010 passed by this Court in batch of First Appeals arising out of the land acquisition matter.

The only grievance of the petitioner is that while disposing of the First Appeals filed by the State of Bihar which were also against the Award passed by the Land Acquisition Judge in land acquisition matter where lands of Patna were involved and the lands were acquired for different purpose and being aggrieved by the Award, the State of Bihar had filed more than 25 First Appeals before the High Court, the First Appeal filed by the present

petitioner being First Appeal No.502 of 1989 which arises out of the land acquisition proceeding at Muzaffarpur has also been wrongly tagged and it had been disposed of without considering the fact that this First Appeal was not the First Appeal filed by the State of Bihar and the lands involved in this First Appeal No.502 of 1989 is situated at Muzaffarpur and was acquired for different purpose.

The learned counsel for the State did not dispute this factual position.

Perused the order sought to be reviewed by the petitioner.

It appears that the First Appeal No.502 of 1989 had been filed by the present petitioner against the State of Bihar and it arises out of the Award dated 21.12.1988 passed by Land Acquisition Judge, Muzaffarpur in land acquisition case No.65 of 1975. The lands involved in the batch of First Appeals filed by the State of Bihar relates to the land acquired at Patna. There is nothing on record to show that this First Appeal was also directed to be heard along with the batch of First Appeal filed by the State of Bihar.

In view of the factual position, it appears that it is error apparent on the face of the record and by mistake, this First Appeal No.502 of 1989 filed by the present petitioner was tagged

with batch of First Appeals filed by the State. Therefore, the order dated 16.04.2010 sought to be reviewed in this review application is hereby modified to the extent that the First Appeal of this petitioner being First Appeal No.502 of 1989 shall not be governed by the Judgment which governs the batch of First Appeals filed by the State of Bihar. In other words, it is made clear that the First Appeal No.502 of 1989 filed by the petitioner shall be heard on merit according to law. It will be deemed that it was not disposed of by order dated 16.04.2010.

Therefore, this review application is allowed to the extent indicated above.

The First Appeal may be listed for hearing before appropriate Bench.

(Mungeshwar Sahoo, J)

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