

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.363 of 2016

In

Civil Writ Jurisdiction Case No. 2951 of 2014

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Shyam Narain Sah, son of Late Mahabir Sah, Resident of Dr. P. Gupta Road,
House opposite of Dr. P. Gupta Clinic, Ward No.34, Police Station-Ratanpur, Post
Officer and District-Begusarai.

..... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Begusarai.
2. The Additional Municipal Commissioner, Begusarai Municipal Corporation,
Begusarai.
3. The Excise Superintendent, Begusarai.
4. The Sub Divisional Officer, Sadar, Begusarai.
5. The Officer Incharge, Sahayak Thana, Ratanpur, District-Begusarai.
6. The Superintendent of Police, Begusarai.
7. Arbind Choudhary, son of Late Raj Kumar Choudhary, Resident of Village-
Phulwaria, Police Station-Phulwaria, District-Begusarai.

..... Respondent/Opposite Parties

8. Yogendra Prasad Sahoo, Son of Late Ganga Sahoo, Resident of Dr. P. Gupta
Road, Police Station-Ratanpur, Post Officer and District-Begusarai.

..... Petitioner/Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar

Mr. Ajit Kumar

For the Respondent/s : Mr. Anjani Kumar, AAG-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

5 19-10-2016

Heard Mr. Sandeep Kumar, learned counsel

appearing for the petitioner and learned counsel for the State.

The application has been filed for review of the
judgment dated 5.7.2016 passed in CWJC No.2951 of 2014
whereby this Court in consideration of the prayer made by the
opposite party herein who was the writ petitioner before this
Court regarding failure of the Municipal Commissioner to give
effect to his order dated 6.7.2013 disposed of the writ petition
on the assurance so given by the Municipal Commissioner.
Alongside a liberty was granted to the writ petitioner to
approach the district authorities in case he has any problem in

construction of the boundary wall.

Apparently the review petitioner herein alongwith one other was charged of being an encroacher by the Municipal Commissioner and by order dated 26.7.2013, they were directed to remove the encroachment. Neither the review petitioner nor the opposite party no.7 bothered to challenge the order of the Municipal Commissioner before the appropriate forum and which has since attained finality. It is in view of this uncontested position that this Court disposed of the writ petition so preferred by the opposite party no.8 requiring the Municipal Commissioner to honour his order and since an assurance was given by him on this score nothing required to be done on the writ petition. The review petitioner has become wise after disposal of the writ petition to now question the right and title of the opposite party no.8 over the land in question even when according to the review petitioner himself, a title suit remains pending and the property in question is in possession of the opposite party no.8.

In the circumstances discussed no cause for indulgence is made out in the prayer for review which is accordingly dismissed.

(Jyoti Saran, J)

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