

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.255 of 2015

Arising out of

L.P.A. No. 649 of 2010

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Sadanand Singh, Son of late Ram Lagan Singh, Resident of Mohalla- Tilka Manjhi, Police Station- Kotwali, District Bhagalpur.

.... Petitioner/Respondent

Versus

1. The Union of India through the Secretary, Department of Home Affairs, Government of Bihar, New Delhi.
2. The Chief Settlement Commissioner of India, New Delhi.
3. The State of Bihar.
4. The Additional Settlement Commissioner-Cum-Additional Secretary, Revenue & Land Reforms, Govt. of Bihar, Patna.
5. The Commissioner, Bhagalpur Division, Bhagalpur.
6. The District Magistrate, Bhagalpur.
7. The District Registrar/Sub Registrar, Bhagalpur.
8. The Additional District Magistrate, Bhagalpur.
9. The Sub-Divisional Officer, Sadar, Bhagalpur.
10. The Anchal Adhikari, Jagdishpur, Bhagalpur.
11. Sri Parsuram Mal, Son of late Khubmal, Resident of Chakarbhata, District Bilaspur, Chhatisgarh.
12. Sri Laxam Das @ Sri Birbhadra Das, Son of late Gulmal, R/o -Tilda, District Raipur, Chhatisgarh (Deleted vide Order dated-21.11.2013)
13. Krishanchand Das, Son of Sri Mohan Das
14. Hamam Das, Son of Sri Mohan Das
15. Gyan Chandra Bhagat Ram
16. Sri Chand Bhagat Ram
17. Rajesh Bhagat Ram
18. Ramesh Bhagat, all sons of late Bhagat Ram Mohan Das, son of Mohan Das deceased, all resident of Housing Board Colony, Lal Bagh, P.O +P.S and District Rajnand Gaon, Chhatisgrah.

.....Opposite Parties/Respondents

19. Jamuna Prasad, S/o late Madan Mistry, Resident of Mohalla- Kotwali, Chowk, P.S Kotwali, District Bhagalpur.

.....Opposite Party/Appellant

with

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Civil Review No. 69 of 2016

Arising out of

L.P.A. No. 649 of 2010

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Kishanchand @ Kishanchand Das, son of Sri Mohan Das, resident of Housing Board Colony, Lal Bagh, P.O.+P.S. and District- Rajnand Gaon, Chhatisgarh.

.... Petitioner/Respondent

Versus

1. The Union of India through the Secretary, Department of Home Affairs, Government of Bihar, New Delhi.

2. The Chief Settlement Commissioner of India, New Delhi.
3. The State of Bihar.
4. The Additional Settlement Commissioner-Cum-Additional Secretary, Revenue & Land Reform, Govt. of Bihar, Patna.
5. The Commissioner, Bhagalpur Division, Bhagalpur.
6. The District Magistrate, Bhagalpur.
7. The District Registrar/Sub Registrar, Bhagalpur.
8. The Additional District Magistrate, Bhagalpur.
9. The Sub-Divisional Officer, Sadar, Bhagalpur.
10. The Anchal Adhikari, Jagdishpur, Bhagalpur.
11. Prahlad Pahuja, son of Late Arjun Singh Sindhi, R/o- Indira Nagar-‘B’ Block, Lucknow.
12. Nand Lal Pahuja, son of Late Arjun Singh Sindhi, R/o- Ardali Bazar, Varanashi (U.P.)
13. Chandu Pahuja, son of Late Arjun Singh Sindhi, R/o- Castains Town, P.O. and P.S.- Deoghar (Jharkhand)
- (Respondent Nos. 11, 12 and 13 deleted vide order dated 03.03.2015)
14. Sri Parsuram Mal, son of Late Khumbmal, resident of Chakarbhata, District- Bilaspur, Chhatisgarh.
15. Sri Laxam Das @ Sri Birbhan Das, Son of late Gulmal, R/o -Tilda, District Raipur, Chhatisgarh (Deleted vide Order dated-21.11.2013)
16. Sri Mohan Das, son of Late Paru Singh, R/o- Rajnand Gaon, P.S. and District- Rajnand Gaon, Chhatisgarh (expunged vide order dated 13.02.2015)
16. (ii). Hamam Das, Son of Sri Mohan Das,
- 16.(iii). Gyan Chandra Bhagat Ram
- 16(iv). Sri Chand Bhagat Ram
- 16.(v). Rajesh Bhagat Ram
- 16.(vi). Ramesh Bhagat, all sons of late Bhagat Ram Mohan Das, son of Mohan Das deceased, all resident of Housing Board, Colony, Lal Bagh, P.O +P.S and District- Rajnand Gaon, Chhatisgrah.
17. Sadanand Singh, son of Late Ram Lagan Singh, R/o- Mohalla- Tilka Manjhi, P.S.- Kotwali, District- Bhagalpur (deleted vide order dated 03.03.2015).
-Opposite Parties/Respondents
18. Jamuna Prasad, S/o- Late Madan Mistry, resident of Mohalla Kotwali Chowk, P.S.- Kotwali, District- Bhagalpur.

..... Opposite Party/Appellant

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Appearance :

For the Petitioners : Mr. Chakrapani, Advocate.
Mr. Ambuj Nayan Choubey, Advocate.
Mr. Sanjay Kumar Singh, Advocate.
Mr. Dipak Kumar, Advocate.

For the Respondents : Mr. Harish Kumar, G.P. 32
Mr. Abhay Shankar Jha, C.G.C.
Mr. Raghib Ahsan, Sr. Advocate.
Mr. Atif Imam, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-04-2016

The issue raised is common in both the Civil Review Applications; therefore, the same are being taken up for hearing together.

2. We have heard learned counsel for the review-petitioners and the respondents.

3. Sadanand Singh and Kishanchand @ Kishanchand Das have sought review of the order passed by this Court on 15th of October, 2015 in L.P.A. No. 649 of 2010, whereby the Letters Patent Appeal filed by Jamuna Prasad has been allowed though holding that the sale-deed in favour of Jamuna Prasad dated 30th of May, 1970 cannot be made basis to protect the right of the appellant Jamuna Prasad.

4. Learned counsel for the review-petitioners submits that the auction for sale of the lands in question was held on 08.08.1960 which was confirmed on 07.11.1960. On the basis of such auction, the review-petitioners claim to be the owners of the land. Kishanchand @ Kishanchand Das is legal heir of the auction purchaser whereas; Sadanand Singh is purchaser from the auction purchasers.

5. It is on record that a sum of Rs. 2085.64 paisa was adjusted from the Compensation Account Fund of Gulumal against the auction price of Rs. 3500/- and another sum of Rs. 628.87 paisa was adjusted from the Compensation Account Fund of Khubomal. The balance auction amount of Rs. 784.19 paisa remained unpaid towards the bid amount

which was not paid and thereafter the auction sale was cancelled by order dated 18.11.1969 and thereafter the property was purchased by Jamuna Prasad on 30th of May, 1970.

6. The review-petitioners rely upon the auction of the property in an auction conducted on 08.08.1960 which was said to be later purchased by Jamuna Prasad. The letter of allotment is said to have been issued in the year 2006, much after the said property was sold to Jamuna Prasad on 30th of May, 1970. There is no order of confirmation of sale in favour of the auction purchasers prior to the purchase of land by Jamuna Prasad in the year 1970.

7. In view of the said fact, we do not find that the review-petitioners can claim any title over the property in question as no letter of allotment was issued in favour of their predecessor before the property was purchased by Jamuna Prasad on 30th of May, 1970.

8. Thus, we do not find any error apparent on record which may warrant review of the order impugned.

9. The Civil Review Applications are, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anand
N.A.F.R.

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