

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Civil Review No.475 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 13455 of 2016**

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1. Azhar Siddique, Son of Late Hasan Imam, resident of Village: Nawab Toli, Sikandara, P.O: Sikandara, P.S.: Sikandara, Dist: Jamui, Bihar.
 2. Hasan Siddique, Son of Late Khawaja Md. Mazhar Siddique, resident of Village: Nawab Toli, Sikandara, P.O.: Sikandara, P.S: Sikandara, Distt: Jamui, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar,
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Deputy Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The Commissioner, Munger, Bihar.
5. The District Magistrate, Jamui.
6. The Additional District Magistrate, Jamui.
7. The Circle Officer, Anchal Sikandra, P.S: Sikandra, Dist: Jamui.
8. Mirza Jalaluddin Beg @ Jalalluddin Beg, son of Mirza Alauddin Beg, resident of Sikandra, P.O. and P.S.: Sikandra, Dist: Jamui.
9. Athar Siddique, Son of Late Khawaja Md. Mazhar Siddique, Resident of Village: Nawab Toli, Sikandara, P.O. Sikandara, P.S.: Sikandara, Dist: Jamui, Bihar.
10. Mostt. Rehana Begum, Wife of Late Khawaja Md. Mazhar Siddique, resident of Village: Nawab Toli, Sikandara, P.O: Sikandara, P.S. Sikandara, Dist: Jamui, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Arif, Advocate
Mr. Arshad Alam, Advocate
For the Respondent/s : Mr. Asif Kalim, AC to AAG 12

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT**

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 14-12-2016

The respondent Nos.8 and 9 in C.W.J.C. No.13455 of



2016 have filed the present Review Petition against the order dated 19th of September, 2016 whereby, this Court directed District Magistrate, Jamui to act in accordance with law keeping in view the observations made and directions given in C.W.J.C. No. 4309 of 2015 (Sanjay Jha Vs. The State of Bihar and Others).

2. Learned counsel for the petitioner contends that there are serious disputes relating to title of the property as the parties are locked up in civil litigation before the Civil Court, but without disclosing such facts, the writ petitioner invoked the writ jurisdiction of this Court. Therefore, the order passed by this Court on 19th of September, 2016 requires to be recalled.

3. We find that there is no finding that the writ petitioner is an encroacher and even if there is some inference, we clarify that District Magistrate, Jamui shall consider the factum of encroachment after giving an opportunity of hearing to the petitioners and on consideration of the documents produced by the petitioners before it in respect of dispute regarding title pending before the Civil Court.

4. It goes without saying that District Magistrate, Jamui, will pass a speaking order for permitting the parties to avail



their remedies in accordance with law.

5. The present Review Petition is accordingly,
disposed of.

(Hemant Gupta, ACJ)

(Anjana Mishra, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19.12.2016
Transmission Date	N/A

