

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.80 of 2015

In

Civil Writ Jurisdiction Case No. 7371 of 2005

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Abdur Rahim son of late SK. Badiruddin, resident of village Sattar- Ghat, Kotahar, Police- Station Abadpur, District Katihar (Expunged and substituted by order dated 20.01.2016 by his following heirs and legal representatives:)

- (a) Md. Shamim Akhtar son of Abdur Rahim
- (b) Firdausi Begum daughter Abdur Rahim and wife of Shahbuddin, resident of Mohall Officers Colony, P.O. and P.S. and District Katihar.
- (c) Abu Taiyab son of Abdur Rahim.
- (d) Md. Manauwer Alam son of Abdur Rahim.
- (e) Shabnam Ara daughter of Abdur Rahim and wife of Md. Ali, Vill. Barijol, P.O. Chhotra P.S. Abadpur, District Katihar.
- (f) Mohsina Begum wife of Abdur Rahim. Nos. a, c, d and f are resident of village Sattarghat- Kothar, P.S. Abadpur, Distt. Katihar.

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. The Subdivisional Officer Barsoi, District Katihar.
- 3. The Circle Officer, Barsoi, Distt. Katihar.
- 4. (A) Samirjan Nissa W/o late SK. Sawyer Mohammad
- (B) Naushad son of late SK. Sawyer Mohammad
- (C) Budhwa son of late SK. Sawyer Mohammad
- (D) Surtan Nisa daughter of late Sawyer Mohammad
- (E) Tapi Khatoon daughter of late Sawyer Mohammad null
- (F) Rejeka Khatoon daughter of late Sawyer Mohammad, respondent Nos. 4
- (a) to (f) All are resident of village Sattarghat, Police Station Abadpur, District Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Najmul Hosa

Mr. Md. Qumrul Hoda

For the Respondent No.1 to 3: Mr. Ajay Kumar Sharma, AC to PAAG

For the Respondent No.4(a) to (f): Mr. Ansul

Mr. Archit Rajpal

Mr. Shreyanshu Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 24-02-2016 The substituted petitioners are the heirs and legal representatives of the original writ petitioner- Abdur Rahim.

The present civil review application has been filed seeking review of the order dated 07.08.2013 passed in CWJC No.

7371 of 2005, whereby the aforesaid writ petition was dismissed for the reasons recorded in that order.

The original writ petitioner, being aggrieved by the order passed by the writ Court, preferred L.P.A. No. 67 of 2014 before a Division Bench of this Court. Aforesaid intra Court appeal was finally disposed of by an order dated 21.07.2014 and the Division Bench did not interfere with the order passed by the writ Court. However, on the request made by the learned counsel appearing on behalf of the writ petitioner, he was granted permission to file a review petition. Accordingly, the present review application has been filed.

Though, the learned counsel appearing on behalf of the review petitioners has argued the matter at some length, but he has not been able to point out the error apparent on the face of the record or any valid ground on the basis of which the order passed by the writ Court can be reviewed.

On the other hand, the learned counsel appearing on behalf of the opposite parties has submitted that the original writ petitioner was heard by the authority who passed the final order in a proceeding under Section 48D of the B.T. Act. According to him, the rules of natural justice were followed before passing the final order in a proceeding under Section 48D of the B.T. Act.

Though, the petitioners claim to have purchased the land in question through a sale deed, but copy of the sale deed has not been brought on record either in the writ petition or in the present review petition.

In above view of the matter, this Court does not find any good ground to review/recall the order dated 08.08.2013 passed in CWJC No. 7371 of 2005. The present civil review application

seems to be completely misconceived and is, accordingly, dismissed.

However, the petitioners, if so advised, shall be at liberty to approach the civil Court of competent jurisdiction for grant of appropriate relief(s) with respect to the lands claimed by them.

(Birendra Prasad Verma, J)

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