

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.258 of 2015

In
Interlocutory Application No.1674 of 2015
In
CWJC No.2285 of 2015

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1. Lal Babu Paswan, son of late Chandrika Paswan
2. Musaphir Ram, son of Gudri Ram
Both are residents of village - Basuhari, P.S. Belwan, District - Kaimur at Bhabhua

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna
2. The Collector, Kaimur at Bhabhua
3. The Additional Collector (Ceiling), Kaimur at Bhabhua
4. Ram Janki Ji Mandir, Saraiya, P.S. Bhagwanpur, District - Kaimur at Bhabhua through Shebait Madan Singh son of Late Surya Prasad Singh resident of village - Sariyan, P.O. Umapur, P.S. Bhagwanpur, District - Kaimur at Bhabhua
5. Sachidanand Singh son of Late Badri Singh resident of village - Sariyan, P.O. Umapur, P.S. Bhagwanpur, District - Kaimur at Bhabhua
6. Madan Singh S/o late Surya Prasad Singh and nephew Late Ramjee Singh
7. Basudeo Singh son of late Ram Niwas Singh
8. Hira Prasad Singh son of late Pati Singh
Respondent Nos. 7 to 8 are Shebait and residents of Village-Saraiyan, P.O. Umapur, P.s Bhagwanpur, District Rohtas.
9. Shri Ram Jee
10. Sri Laxman Jee
11. Janki Jee
12. Sri Laxmi Jee
13. Sri Narayan Jee
14. Sri Mahaveer Jee
15. Sri Mahadeo Jee
16. Parvati Jee
17. Sri Surya Narayan Jee
18. Sri Durga Jee
19. Sri Ganesh Jee

All Deities are installed in the compound of temple which is commonly known as Ram Janki Mandir, situated in Village- Saraiyan, P.O. Umapur , PS and Anchal- Bhagwanpur, District Kaimur through their Shebait Resp. Nos. 5 to 8.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Basant Kumar Choudhary, Sr.Adv.
Mr. Arvind Kumar, Adv.
For the Respondent nos.1to3 : Mr. Raju Giri, GP-30
Mr.Nikhil Kumar Agrawal, AC to GP-30

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-05-2016

The present civil review application has been filed for review/recall of the order dated 27.10.2015 passed in CWJC No.2285 of 2015, whereby Interlocutory Application No.1674 of 2015 was rejected by this Bench.

Learned senior counsel appearing on behalf of the review petitioners submits that the aforesaid I.A.No.1674 of 2015 was filed on behalf of the writ petitioners for modification of the order dated 16.02.2015 passed in aforesaid CWJC No.2285 of 2015, whereby notices were issued to the respondent nos.4 to 19. He further submits that the petitioners complied the aforesaid order dated 16.02.2015 partially and requisites etc. were not filed for issuance of notice to the deities on the belief that separate notices are not required to be issued to them, but now the petitioners are prepared to carryout the aforesaid order dated 16.02.2015 passed by a Bench of this Court in toto without pressing for modification. It is also contended that, if the present review application is not allowed, then the whole writ petition shall be construed to have been dismissed on account of partial compliance of the order dated 16.02.2015.

Learned AC to GP-30 appearing on behalf of the State of Bihar and its functionaries submits that, if the order dated 16.02.2015 is complied with by the petitioners, then he may not have any objection if the present civil review application is allowed.

After having heard the parties and for the submissions recorded above, the present civil review application is allowed and the order dated 27.10.2015 dismissing the I.A.No.1674 of 2015 is recalled subject to the condition that the

petitioners shall carry out the order dated 16.02.2015 passed in CWJC No.2285 of 2015 within the extended period of time fixed by this Court.

CWJC No.2285 of 2015

With

I.A.No.1674 of 2015

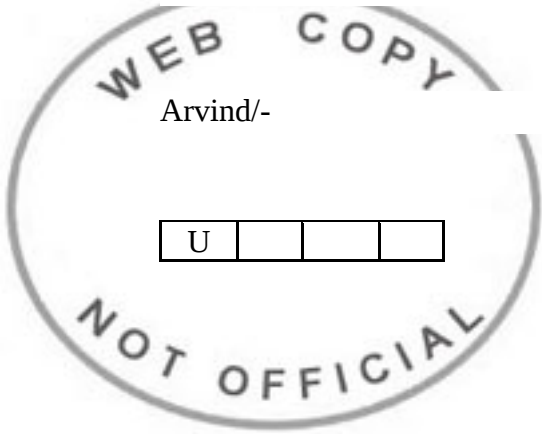
With the consent of the parties, I.A.No.1674 of 2015 has been taken up for consideration on merits.

The present Interlocutory Application has been filed for modification of the order dated 16.02.2015, whereby the notices were issued to the respondent nos.4 to 19 in admission matter and requisites etc. were directed to be filed within a period of ten days.

Learned senior counsel appearing on behalf of the petitioners submits that the partial compliance of the order dated 16.02.2015 has already been made and requisites etc. have been filed for issuance of notice upon the respondent nos.6 and 7, but on a bonafide belief that deities are not required to be issued separate notice, remaining part of the aforesaid order has not been complied with. It is contended that now the petitioners are prepared to comply the aforesaid order dated 16.02.2015 if the time is further extended for a period of one week from today.

After having heard the parties and taking into consideration the submissions noticed above, the order dated 16.02.2015 is modified only to the extent that the petitioners shall file requisites etc. for issuance of notice on the remaining respondents on or before 11th May, 2016, failing which the writ petition, as a whole, shall stand dismissed without further reference to the Bench.

I.A.No.1674 of 2015 stands finally disposed of with the observations and directions made above.



(Birendra Prasad Verma, J)