

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2523 of 2015

In

Civil Writ Jurisdiction Case No. 11944 of 2003

- =====
1. Md. Abbas S/o Md. Salamt, Resident of Village - Paharpur, P.S. - Nauhatta, District - Saharsa
 2. Amrendra Kumar Son of Basudeo Yadav Resident of Village - Chandail, P.S. + District - Supaul
 3. Manoj Kumar Son of Saryug Yadav Resident of Village - Akalhtola, Nawtoli, P.S. - Nauhatta, District - Saharsa
 4. Lal Bahadur Raman Son of Basudeo Yadav Resident of Village - Rampur, Chharapatti, P.S. - Supaul, District - Supaul
 5. Jaya Devi D/o Shri Jaleshwar Yadav Resident of Village - Rampur, Naubad, Tola - Chhatrapatti, P.S. - Supaul, District - Supaul

.... Petitioners

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Water Resources Department Govt. of Bihar Patna
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department, Govt. of Bihar, Patna
3. The Rehabilitation Officer, Koshi Project, Supaul

.... Opp. Parties

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with

Civil Review No.359 of 2011

IN

Civil Writ Jurisdiction Case No. 11944 of 2003

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1. Md. Abbas S/o Md. Salamat R/o Village - Paharpur, P.S. Nawhatta, District - Saharsa
 2. Amrendra Kumar S/o Shri Basudeo Yadav R/o Village - Chandail, P.S. & District - Supaul
 3. Manoj Kumar S/o Shri Saryug Yadav R/o Village - Akath, Tola Nawtolia, P.S. Nawhatta, District - Saharsa
 4. Lal Bahadur Raman S/o Shri Basudeo Yadav R/o Rampur, Chharapatti, P.S. and District - Supaul
 5. Jaya Devi D/o Shri Jaleshwar Yadav R/o Village - Rampur - Naubad Tola - Chharapatti, P.S. & District - Supaul

.... Petitioners

Versus

1. The State of Bihar through the Commissioner - cum - Secretary, Water Resources Department, Bihar, Patna
2. The Director, Land Acquisition and Rehabilitation, Water Resources Department Govt. of Bihar, Patna
3. The Rehabilitation Officer, Koshi Project, Supaul

.... Respondents

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Appearance :

(In both the cases)

For the Petitioner/s : Mr. Chakrapani with Mr. Dinesh Choudhary
and Mr. Praful Chandra Thakur, Advocates

For the Respondent/s : Mr. Mr. Kumar Priya Ranjan, SC 23

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA

and

HONOURABLE DR. JUSTICE RAVI RANJAN

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

5 19-01-2016 Heard learned counsel for the petitioners and learned counsel for the State.

Both the matters have been filed by the same petitioners with respect to the same order dated 18.12.2008 passed by a Full Bench of this Court in CWJC No. 1242 of 2003 and its analogous cases, the case of the petitioners being CWJC No. 11944 of 2003. They have accordingly been heard together and are being disposed of by this common order with the consent of the parties.

When the batch of nine writ petitions was taken up before the Full Bench, Mr. Anant Kumar Bhaskar, Advocate appearing on behalf of the petitioners had stated that the applications had become infructuous and accordingly the matters were dismissed as such.

The only plea of learned counsel for the petitioners is that Mr. Anant Kumar Bhaskar was not the Advocate for the present petitioners and thus he had no authority to state anything on behalf of the petitioners.

Certain statement has been made both in the Civil Review application as also in the recall petition, which shows lack of decorum on the part of the petitioners as statements regarding oral observations made by the Bench, which do not find any place

in the order, ought not to have been there and they cannot be accepted except what is stated in the order-sheet. If at all, the matter having been once referred to a Full Bench, prayer had been made to separate their case the same would have been done by passing a judicial order, about which there is no such reference in the order sought to be reviewed. Nothing prevented the petitioners to have made the prayer at the relevant time when the matter was taken up, which obviously had not been done, and a false plea has been taken that the matter was mentioned and oral order was passed by the same Bench. The belated plea that has been taken has no relevance at all and cannot be accepted.

Since we find no ground for review and recall of the said order, both the applications are, accordingly, dismissed.

(Ramesh Kumar Datta, J)

(Dr. Ravi Ranjan, J)

(Sudhir Singh, J)

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