

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.528 of 2016

In
Civil Writ Jurisdiction Case No. 15575 of 2016

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1. Sita Sundar Devi Wife of Shyam Bihari Singh
 2. Shyam Bihari Singh Son of Sohawan Singh
 3. Om Prakash Singh Son of Shyam Bihari Singh
 4. Jai Prakash Kumar @ Jai Prakash Singh Son of Shyam Bihari Singh
 5. Bharat Singh Son of Baban Singh
 6. Lal Bihari Singh Son of Sohawan Singh
 7. Fuljharo Devi Wife of Baban Singh All Sl. No. 1 to 7 are residents of
Village- Isarhi, P.O. - Babhanio, P.S.-Aayar, District- Bhojpur, Ara.

.... Petitioners

Versus

1. The State of Bihar.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The Superintendent of Police, Bhojpur, Ara.
5. The Circle Officer, Jagdishpur, Bhojpur, Ara.
6. The Block Development Officer, Jagdishpur, Bhojpur, Ara.
7. The Officer-In-Charge of Avar Police Station- Bhojpur, Ara.
8. Baijnath Ram son of late Suchit Ram Resident of Village- Isardhi, P.O.
Babhanio, P.S. Ayar, District - Bhojpur.
9. Gorakh Nath Ram @ Gorakh Ram Son of late Sukran Ram Resident of
Village- Isardhi, P.O. Babhanio, P.S. Ayar, District - Bhojpur.
10. Dev Jwala Babu Son of Kailash Babu Resident of Village- Isardhi, P.O.
Babhanio, P.S. Ayar, District - Bhojpur.
11. Biral Lal Ram Son of late Shivrati Ram Resident of Village- Isardhi,
P.O. Babhanio, P.S. Ayar, District - Bhojpur.
12. Rameshwar Lal Son of late Dudhnath Ram Resident of Village- Isardhi,
P.O. Babhanio, P.S. Ayar, District – Bhojpur Respondents

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Appearance :

For the Petitioners : Mr. Uday Kumar, Advocate
For the Respondents : Nutan Sahay, AC to AAG 12)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH)**

3 22-03-2017 Instant application has been filed for review of order
dated 19.9.2016, passed in C.W.J.C.No. 15575 of 2016.The writ
application had been filed by way of Public Interest Litigation



bringing to the notice of the Court that the land which forms part of the cremation ground, are being encroached upon.

After hearing the parties, the Division bench vide order dated 19.9.2016 directed the District Magistrate, Bhojpur at Ara to ensure that the encroachers are removed within a period of four months from that day.

The review petitioners submit that they are not the encroachers rather they are the *bona fide* purchaser of land in question.

In our view, review petitioners ought to have approached the District Magistrate, Bhojpur at Ara and satisfy him or her that they are not encroachers of cremation ground, instead of moving the Court in Review.

The review application is accordingly disposed of.

(Samarendra Pratap Singh, J)

(Anjana Mishra, J)

Shashi.

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