

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.315 of 2016

In
Civil Writ Jurisdiction Case No. 1531 of 2012

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1. Naqui Imam, son of Late Jalil Uddin
 2. Shahina Praveen, wife of Naqui Imam
 3. Md. Irshadullah son of Late Amanullah

All residents of village Bhusaula, Danapur, P.S. Phulwarisharif, District
- Patna.

.... Petitioners

Versus

1. The Bihar State. Sunni Waqf Board, Patna.
2. The Chief Executive Officer, Bihar State Sunni Waqf Board, Patna.
3. Md. Azimuddin son of late Md. Imamuddin, Secretary of Waqf Estate
No. 1488, Bhusaula Danapur, P.S. Phulwarisharif, District Patna.

.... Respondents / Opposite parties.

4. Md. Firoz son of Md. Waziruddin alias Md. Hussain
5. Md. Naushad son of late Samiuddin
6. Alimuddin son of late Waziruddin
7. Aftab Alam alias Md. Aftab son of late Waziruddin
8. Md. Mahtab Alam son of late Waziruddin
9. Sarwari Khatoon wife of Md. Nasim, daughter of late Waziruddin
10. Nuzhat Bano wife of Irfan Hanta, daughter of late Waziruddin
11. Sitara Khatoon wife of Md. Safi, daughter of late Waziruddin All
residents of village Bhusaula Danapur, P.S. Phulwarisharif, District-
Patna.

.... Opposite parties.

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Appearance:

For the Petitioner/s : Mr. Anil Kumar Saxena

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 29-03-2017 Heard learned counsel for the petitioners and

learned counsel for the State.



2. This application has been filed for review of the order dated 22.08.2012 passed in C.W.J.C. No.1531 of 2012, which has been dismissed after giving full consideration of entire facts and other materials available on record and refused to accept the submission that the property, in question, belong to the petitioners, rather held that the property in question is Waqf property. The matter was carried to the Division Bench in L.P.A. No.189 of 2013 unsuccessfully. The matter went to the Hon'ble Supreme Court; there also the Hon'ble Supreme Court has refused to grant the leave and dismissed the petition.

3. Learned counsel for the petitioners submits that the property, in question, was private property and the said property was never given to Waqf. He further submits that as the counsel, who had represented the petitioners in the writ application, has not placed the right fact and right law for the consideration of this Court, which resulted into the order passed against the present petitioners. It has further been argued that both the Courts have not rejected the claim by the reasoned order, in such circumstance, this Court should review its order.

4. Learned counsel for the petitioners has placed reliance on some of the decisions of the Hon'ble Supreme Court



in the case of **Ramesh Gobindram (dead) through L.R.S. vs. Sugra Humayun Mirza Wakf** reported in **A.I.R. 2010 S.C. 2897** and **S.P. Chengalvaraya Naidu (dead) by L.R.S. vs. Jagannath (dead) by L.R.S. and Others**, reported in **A.I.R. 1994, S.C. 853**.

5. This Court has elaborately dealt with every aspect of the matter and it is not the first time, earlier also this matter has been litigated by the petitioners unsuccessfully and the matter travelled upto the Hon'ble Supreme Court. Further, the petitioners have not made out grounds that this Court should review the order as it does not satisfy the conditions provided under Order 47 Rule-1 of the Code of Civil Procedure, which prescribes the limited ground for review of the order.

6. In such view of the matter, this Court does not find any reason to entertain this review petition. Accordingly, this review petition is dismissed.

(Shivaji Pandey, J)

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