

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.422 of 2014

In

LPA 1426 of 2012

- =====
1. Shiv Kumar Rai son of Late Baleshewar Roy, All resident of village Changakhar, P.S. Giridih, District Giridih (Jharkhand). Petitioner No. 4 to 8 are represented through Sri Uday Shankar Dated 30.12.2013.
 2. Krishna Devi widow of Late Vyas Narayan Singh resident of village Rajauli, P.O. and P.S. Rajauli, District Nawada. (Expunged vide Court's order dated 29.03.2017)
 3. Anil Prasad Singh son of Late Shivnandan Prasad Singh, resident of village Takua Tand , Rajauli, P.O. and P.S. Rajauli, District Nawada.
 4. Tarini Prasad Singh son of late Basudeo Prasad Singh resident of village Takua Tand , Rajauli, P.O. and P.S. Rajauli, District Nawada, C/o Sri K.P. Singh , Flat No. 3/B , Nishat Dayal Residential, East Boring Canal Road, Patna.
 5. Vivekanand Roy, son of Late Sudhhir Roy, Presently posted as PS to GM , I/C. Power Grid Corporation of India Ltd. Es Region I 5th floor, Alankar Palace, Boring Road, Patna.
 6. Vinay Shankar Rai
 7. Ajit Rai
 8. Krishna Kumar Rai Sons of Late Dharnidhar Roy (Note : Dharnidhar Roy was Petitioner no. 5 in CWJC No. 3872 of 2009 but he was not impleaded as Respondent in LPA No. 1426 of 2012 and 1795/2012. All resident of village Changakhar, P.S. Giridih, District Giridih (Jharkhand).
 9. Nageshwar Rai son of late Shilajeet Roy, resident of village Chonakhar, P.S. Giridih, (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Nawada.
3. The Director, Land Acquisition, Department of Irrigation, Government of Bihar, Patna.
4. The Special Land Acquisition Officer Flood Control Division, Anisabad, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. R.K.P. Singh, Adv.
Mr. Bal Bhushan Choudhary, Adv.
For the Respondent/s : Ms Alka Verma, A.C. to SC-17

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

3 29-03-2017

Re: I.A. No. 9497 of 2014



This Interlocutory Application under Section 5 of the Limitation Act is for condonation of 137 days delay caused in filing the review application.

Heard learned counsel for the petitioners and learned counsel for the State.

On the facts and in the circumstances of the case, the delay caused in filing the review application is condoned.

Interlocutory Application stands allowed.

Re: I.A. No. 6827 of 2015

This Interlocutory Application has been filed for removal of certain defects pointed out by the Registry.

Regard being had to the submissions made by the learned counsel for the petitioners, the defects pointed out by the Registry are ignored.

The Interlocutory Application stands allowed.

Re: I.A. No. 4262 of 2016

This Interlocutory Application has been filed for expunging the name of the petitioner Anil Prasad Singh from the cause title.

It is stated that during pendency of the review application, the petitioner Anil Prasad Singh died on 28.01.2016. It is stated that his legal representative is already on the record of the case.



Considering the submission made on behalf of the petitioners, the prayer is allowed. Let the name of petitioner Anil Prasad Singh be expunged from the cause title.

The Interlocutory Application stands allowed.

Civil Review No. 422 of 2014

This civil review application has been filed against the order dated 03.07.2014 passed in L.P.A. No. 1426 of 2012 with L.P.A. No. 1795 of 2012 as well as Civil Review No. 66 of 2011 whereby the appeals preferred by the State of Bihar and others against the order dated 16.07.2009 made by the learned single Judge in C.W.J.C. No. 3872 of 2009 and the order dated 21.12.2012 made in Civil Review No.66 of 2011 were set aside and C.W.J.C. No. 3872 of 2009 was dismissed interalia on the grounds of misjoinder of parties and disputed questions of fact.

Heard learned counsel for the petitioners and learned counsel for the State.

At the outset, it is pertinent to note that against the aforesaid order dated 03.07.2014 passed by the Division Bench, the petitioners had preferred Special Leave Petition before the Supreme Court which was dismissed as withdrawn vide order dated 10.11.2014 without granting any leave to the petitioners to prefer review application.

Learned counsel for the petitioners has taken us to



the pleadings made in the writ application and the review application noted above and has tried to make out a fresh case on the basis of re-hearing of the entire matter.

In our opinion, it is not the ambit and scope of Order 47 Rule 1 of the Code of Civil Procedure. The petitioners are not entitled to seek review of a judgment merely for the purpose of re-hearing and fresh decision of the case. It is not a routine procedure. The petitioners have failed to establish that there was any error or mistake apparent on the face of the record. The petitioners have also failed to show that there were some other materials available with the petitioners which were not taken into consideration while disposing of the Letters Patent Appeal as a result of which miscarriage of justice has occurred.

Considering the entirety of the facts and taking into consideration the fact that the Special Leave Petition was dismissed by the Supreme Court without granting any leave to the petitioner to prefer review application, we see no merit in the review application. It is accordingly dismissed.

(Ashwani Kumar Singh, J)

(Chakradhari Sharan Singh, J)

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