

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Review No.534 of 2016**

**In**

**Civil Writ Jurisdiction Case No. 4320 of 2015**

=====

1. Prem Sarowar Prasad son of Late Sarjug Prasad,
2. Kailash Sao son of Late Mahabir Sao,
3. Jai Prakash Sao son of Late Mahabir Sao,
4. Sanjay Sao son of Late Baijnath Sao
5. Prabhat Kumar Gupta son of Late Rajendra Sao

All of village- Punpun Bazar, P.O. and P.S. Punpun, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate cum Collector, Patna District, Patna.
4. The Sub-Divisional Officer, Masaurhi, District Patna.
5. Circle Officer, Punpun, District Patna.

... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar

For the Respondent/s : Mr.

=====

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

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

2      09-08-2017                      The defects pointed out by the Stamp Reporter are ignored.

This review application has been filed against the order dated 5<sup>th</sup> September, 2016 passed by this Court in C.W.J.C. No. 4320 of 2015 whereby a direction has been given to the respondents, particularly, respondent no.3 the District Magistrate,



Patna to ensure that the encroachers are removed from the common area, which is used as *Pind Daan Ghat* on the bank of river Punpun, within a period of four months and upon removal of encroachers, a report shall be submitted by the District Magistrate, Patna to the Registrar General of this Court.

The contention of the petitioners is that they were necessary parties and without impleading them as respondents the writ petition was filed before this Court. Learned counsel for the petitioners has submitted that since correct facts were not brought before this Court, therefore, the order adversely affecting the petitioners has been passed.

We have perused the record and the order under review dated 5<sup>th</sup> September, 2016.

By order dated 5<sup>th</sup> September, 2016, no direction has been issued against the petitioners. The direction given is general in nature whereby the respondent no.3 has been asked to remove the encroachers. In our opinion, any person, who is not an encroacher on a public land and has some sort of vested right, is not affected by the order. Hence, such person cannot claim to be a necessary party. If such person receives any notice for removal of encroachment, he may have a separate cause of action.

As no error, apparent on the face of the record, could be



pointed out by the petitioners, we see no merit in this application.  
It is accordingly dismissed.

**(Ashwani Kumar Singh, J)**

**(Chakradhari Sharan Singh, J)**

Pradeep/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

