

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.428 of 2017

In
Civil Writ Jurisdiction Case No. 4844 of 2015

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Jagdish Choudhary

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey

For the Respondent/s : Mr. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 04-04-2018 Heard.

Petitioner wants to review the order dated 24.04.2017 passed in C.W.J.C No. 4844 of 2015 on the ground that plot no. 526 and 527 belong to the petitioner as the aforesaid plots had already been released in favour of the petitioners from the land acquisition proceeding but the petitioners in C.W.J.C No. 4844 of 2015 suppressed the aforesaid fact and without impleading the petitioner in the above stated C.W.J.C No. 4844 of 2015 got order in their favour and, thereafter, put a board in the disputed land showing their title in the disputed land.

Petitioner was not made party in C.W.J.C No. 4844 of 2015 which was filed by the petitioners (O.P's 2nd set) for quashing the Gazette Notification bearing No. 416 dated 07.10.1961 as well as quashing the Land Acquisition Case no. 63



of 1961- 1962 in the light of section 24(2) of the right to fair compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. In view of the aforesaid prayer, this Court quashed the above stated notification and land acquisition proceeding, passing impugned order dated 24.04.2017. Therefore, it is obvious that in CWJC No.4844 of 2015 the subject matter was only to test the continuance of Gazette Notification of 416 dated 07.10.1961 and Land Acquisition Case no. 63/ 1961-1962 and the title of the parties was not the subject matter of that CWJC No.4844 of 2015. The petitioner was not going to be affected by the aforesaid order dated 24.04.2017 passed in CWJC No. 4844 of 2015 in any way. Therefore, he has no right to seek review of order dated 24.04.2017 passed in C.W.J.C No. 4844 of 2015. Accordingly, this review petition stands dismissed on admission stage itself.

However, it is made clear that this order shall not cause any prejudice to the petitioner, if he takes legal steps to get his title declare before the appropriate forum.

(Hemant Kumar Srivastava, J)

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