

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

**Miscellaneous Jurisdiction Case No 447 of 2016**

**IN**

**LPA 469 of 2010**

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Jamuna Prasad, son of late Madan Mistry, Resident of Mohalla – Kotwali Chowk,  
Police Station – Kotwali, District - Bhagalpur

.... .... Petitioner/s

Versus

- 1 The Union of India through the Secretary, Department of Home Affairs, Govt. of India, New Delhi
- 2 The Chief Settlement Commissioner of India, New Delhi
- 3 The State of Bihar
- 4 The Assistant Settlement Commissioner – Cum- Additional Secretary, Revenue & Land Reforms, Government of Bihar, Patna
- 5 The Commissioner, Bhagalpur Division, Bhagalpur
- 6 The District Magistrate, Bhagalpur
- 7 The District Registrar/Sub Registrar, Bhagalpur
- 8 The Additional District Magistrate, Bhagalpur
- 9 The Sub-divisional Officer, Sadar, Bhagalpur
- 10 The Anchal Adhikari, Jagdishpur (Municipal Corporation), Bhagalpur
- 11 Prahlad Pahuja, son of late Arjun Singh Sindhi, r/o Indira Nagar – ‘B’ Block, Lucknow
- 12 Nand Lal Pahuja, son of late Arjun Singh Sindho, r/o Ardali Bazar, Varanasi (UP)
- 13 Chandu Pahuja, son of late Arjun Singh, r/o Castains Town, PO and PS – Deoghar (Jharkhand) (Respondents No 11, 12 and 13 deleted vide order dated 03.03.2015)
- 14 Sri Parsuram Mal, son of late Khumbmal, R/o Chakarbhata, District – Bilaspur, Chhatisgarh
- 15 Sri Laxman Das @ Sri Birbhadra Das, son of late Gulmal, r/o Tilda, District – Raipur, Chhatisgarh (deleted vide order dated 21.11.2013)
- 16 Sri Mohan Das, son of late Paru Singh, r/o Rajnand Gaon, PS and District – Rajnand Gaon, Chhatisgarh (expunged vide order dated 13.02.2015)
- 16 (i) Kishanchand Das, son of Sri Mohan Das
- 16 (ii) Hamam Das, son of Sri Mohan Das
- 16 (iii) Gyan Chandra Bhagat Ram
- 16 (iv) Sri Chand Bhagat Ram
- 16 (v) Rajesh Bhagat Ram
- 16 (vi) Ramesh Bhagat, all sons of late Bhagat Ram Mohan Das, son of Mohan Das, deceased, all residents of Housing Board Colony, Lal Bagh, PO + PS and District – Rajnand Gaon, Chhatisgarh
- 17 Sadanand Singh, son of late Ram Lagan Singh, r/o Mohalla – Tilka Manjhi, PS – Kotwali, District – Bhagalpur (deleted vide order dated 03.03.2015)

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anamul Haque

For the Respondent/s : Mr. GP32 HARISH KR.

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**CORAM: HONOURABLE MR JUSTICE AHSANUDDIN AMANULLAH  
and  
HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR JUSTICE MADHURESH PRASAD)**

**Date: 01-08-2018**

Heard learned Senior Counsel for the petitioner as well as learned counsel for the State and the Union of India.

**2** IA No 9031 of 2016 has been filed for substitution of the legal heirs of the petitioner, details of which have been stated in paragraph 3. The prayer is not objected by the learned counsel for the respondents.

**3** Let the names of the legal representatives of the petitioner be substituted in place of the petitioner as per details of legal heirs in paragraph 3 of the IA.

**4** Since the parties are present and have been heard on main application for modification also, the Court proceeds to dispose of the main application filed by the petitioner.

**5** Learned Senior Counsel for the petitioner submits that the observations made in paragraph 9 of the judgment dated 15.10.2015 are to his prejudice and that the same may be modified. The essence of the submission made by the learned Senior Counsel for the petitioner will touch upon the adjudication done under order dated 15.10.2015 passed in LPA No 649 of 2010. The Court, after



due consideration, has made some observation in paragraph 9 going to the entire gamut of the issue placed before the Court. Such finding on merit cannot be interfered with in a proceeding in the nature of modification application, without a rehearing of the entire case on merits. The petitioner, if so advised, may move the appropriate forum if he is aggrieved with the observations made in paragraph 9 of the judgment passed in LPA No 649 of 2010.

**6** This application is dismissed.

**(Ahsanuddin Amanullah, J)**

**(Madhuresh Prasad, J)**

**M.E.H./-**

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