

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.461 of 2017

IN

Civil Writ Jurisdiction Case No. 7040 of 2017

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Amitabh Singh @ Amitabh Kumar, S/o Narendra Mohan Singh, Resident of Mohalla- Lal Bazar, Bettiah, Police Station- Bettiah Town, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Government of Bihar, Patna.
2. The Collector, West Champaran at Bettiah.
3. The Additional Collector, Bettiah, District- West Champaran.
4. The Deputy Collector, Land Reforms, Bettiah, District- West Champaran.
5. The Anchal Adhikari, Bettiah Anchal, District- West Champaran.
6. Dinesh Kumar Sharma, S/o Late Shankar Lal Sharma, Resident of Mohalla- Lal Bazar, Bettiah, Police Station- Bettiah Town, District- West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Yadav

For the Respondent/s : Mr. MD. KHURSHID ALAM (AAG 12)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-04-2018

Seeking review/recall of the order passed by us on 12.07.2017 in CWJC No. 7040 of 2017 and modified on 09.11.2017 in MJC No. 3205 of 2017 this application has been filed.

By the orders in question we have only directed respondent no. 2 in the writ petition, namely, the Collector, West Champaran, Bettiah to look into the grievance of the petitioner with regard to removal of encroachment and possession in accordance with



law. We have also specifically directed that before taking action notice should be issued to respondent no. 6 who is the present applicant and he should be heard and his objection considered before taking any action.

Now, in this application review sought for on the ground (a) that the applicant was not heard and (2) that there are various suppression of facts, there is no encroachment and even the particulars of the land have been wrongly mentioned.

On such grounds, we are of the considered view that no case of review or recall of the order is made out for the simple reason that we have not decided any issue or question of fact or law. We have only relegated the parties to appear before the Collector and the Collector has been directed to decide the dispute after hearing all concerned including the present applicant who was respondent no. 6 in the original proceeding. The petitioner can always raise all these objections before the Collector to take note of these objections and proceed in the matter in accordance with law. The order passed by us does not cause any prejudice to the present applicant nor has it any adverse effect on his right. All his rights are protected. He can always bring all the facts to the notice of the Collector. We are sure that the Collector shall consider each and every aspect of the matter and pass such order as permissible under law.



In view of the aforesaid, we find no reason to review or recall the order passed by us. The application is dismissed with the aforesaid.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr1/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.04.2018
Transmission Date	

