

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.106 of 2018

In
Letters Patent Appeal No.1149 of 2015

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1. Raj Kishore Paswan
 2. Nawal Kishore Paswan
Both sons of Late Gobari Paswan
 3. Shatrudhan Paswan son of late Ram Chandra Paswan and grandson of late Gobari Paswan
All residents of village Gariba, P.S. Paru, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Muzaffarpur.
3. Ram Naresh Singh, son of Late Krishnadeo Narayan Singh,
Resident of village - Motichhapra, P.S. Paroo, District - Muzaffarpur.
4. Dashrath Prasad Singh, son of Late Bachkan Prasad Singh,
Resident of Village Gariba P.S. Paroo, District - Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Opposite Party/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 11-09-2019

We have heard learned counsel for the review petitioners.

Although there is an issue of limitation in filing of the review application, but we have heard learned counsel for the review petitioners on merit of the case as well.



Let the delay in filing of the review application be condoned.

It appears that the review petitioners are seeking review of the order dated 08.08.2017 passed by the Hon'ble Division Bench of this Court in LPA No.1149 of 2015. By the order under review, the Hon'ble Division Bench has refused to interfere with the judgement of the learned Single Judge dismissing the writ application and affirming the order of the Collector who happened to be the revisional authority and had disposed of the revision application on merit in the light of the earlier direction of this Court.

Learned counsel for the review petitioners submits that in the Letters Patent Appeal the appellants had raised an issue saying that the Collector being the revisional authority had made out a third case by allowing 5 decimal of Plot No.1187 and 3 decimal of Plot No.1188 of Village Gariba in favour of the petitioners under *Baskit Parchas*. It is the case of the review petitioners that they were in possession of 13 decimal of land bearing R.S.P. No.1188 and 3 decimal of R.S.P. No.1187. We find from perusal of the revisional order passed by the Collector that the Collector has found from the records and also from the spot verification that the petitioners had their house standing on 5



decimal on R.S.P. No.1187 and 3 decimal of R.S.P. No.1188 which were in their possession. Therefore, the *Baskit Parchas* to the extent of 8 decimal of the area of both these plots have been found to be in favour of the review petitioners and to that extent the house of the petitioners have been protected. As regards the remaining area of land, the revisional authority has found that those were acquired through the process of the land acquisition for construction of PWD Road and, therefore, the land which have been acquired for construction of road shall be taken from the share of the land holder and it cannot be said to have been taken away from the petitioners. The learned Writ Court has, after going through the materials available on record, recorded that there is no controversy that part of the subject land has been acquired by the State of Bihar for the purpose of construction of road and further the revisional authority had, upon consideration of the entire facts, recorded the finding as to the entitlement of the petitioners to hold the *Parchas* only in respect of the part of the subject land measuring total area of 8 decimal.

There is no material on the record to demonstrate that the findings recorded either by the revisional authority or by the learned Single Judge have been assailed on facts by placing on record any clinching document to demonstrate that these



petitioners were legally holding *Parchas* for the area which they are claiming and that they had perfected their right over the land. Moreover, there is nothing on record to demonstrate that the fact that 10 decimal of land have been acquired for construction of road is disputed.

This being the position, we find no merit in the review application. The application is dismissed.

(Amreshwar Pratap Sahi, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.09.2019
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