

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.418 of 2016

In
Civil Writ Jurisdiction Case No.13816 of 2009

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Bhagwan Mishra, son of Sarshchnadra Mishra (SIC) Harish Chandra Mishra,
Resident of Village- Balha, P.S. Rajnagar, District- Madhubani, presently
residing at Chakdah, Police Station Madhubani Ward No. 8, Town and
District Madhubani

... .. Petitioner/s

Versus

1. Dilip Sah
2. Bijay Sah, both sons of late Ram Chandra Sah, resident of Mohalla-
Bara Bazar, Ward No. 11, P.S. and District- Madhubani
3. The State of Bihar through the District Magistrate, Madhubani
4. The Commissioner, Darbhanga Division, Darbhanga
5. The District Magistrate cum Collector, Madhubani
6. The Sub-Divisional Officer, Sadar, Madhubani
7. The Deputy Collector, Land Reforms, Madhubani
8. The Circle Officer, Rahika, Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kripa Nand Jha, Advocate
For the Opposite Party/s : Mr.Syed Iqbal Ahmad Sc 20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 20-06-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the opposite parties.

The petitioner has filed the present review application
for review of the order dated 29.9.2011 passed in CWJC No.
13816/2009.

The only ground canvassed on behalf of the petitioner
in support of the review petition is that the petitioner was the
necessary party in the writ petition but without impleading him
as party and without hearing him the order dated 29.9.2011 has



been passed in CWJC No. 13816/2009. The law in this regard is well settled by the Constitution Bench judgment in the case of Shivdeo Singh & Ors vs State Of Punjab & Ors.: AIR 1963 SC 1909 wherein it has been held out that the order passed under writ jurisdiction is amenable to review if the order is adversely affecting the person who was not heard before taking such decision.

In view of the law laid down by the Apex Court in the case of Shivdeo Singh, the review petition is allowed. The order dated 29.9.2011 passed in CWJC No. 13816 of 2009 is recalled and the writ petition is restored to its original file.

Let CWJC No. 13816 of 2009 be placed for admission before the appropriate Bench.

(Anil Kumar Upadhyay, J)

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