

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.491 of 2018

In
Civil Writ Jurisdiction Case No.4903 of 2018

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Brijnandan Prasad, Son of late Doman Mahto, Resident of Village- Jalalpur,
P.O. and P.S. Noor Sarai, Distt. Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary Public Health and Engineering Department, Bihar, Patna.
4. The District Magistrate, Nalanda.
5. The Executive Engineer, Public Health and Engineering Department, Nalanda.
6. The Executive Engineer Rural Development Department, Nalanda.
7. The District Education Officer, Nalanda.
8. The District Program Officer (Education), Nalanda.
9. The Block Education Officer, Noor Sarai, Nalanda.
10. The Public Information Officer Collectoriast, Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate
For the Opposite Party/s : Mr. Anjani Kumar AAG 4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 24-07-2019 Heard learned counsel for the applicant who is seeking an adjournment as his file is not available today. We are not prepared to grant any adjournment as we have gone through the entire records pertaining to the grounds raised in this review application.



What we find is that after the counter affidavit was filed in the writ petition where a stand was taken that the land was a *Gair Majarua* land, no rejoinder affidavit controverting the said allegation was filed. In this review application it has been stated that the land over which the school is situate was not *Gair Majarua* land and was rather a land that was gifted for the purpose of setting up of the institution by private persons for which reliance has been placed on certain deeds that have been appended along with the review application. We find that all this material is new and has been brought by way of this review application.

We are, therefore, not inclined to accept the plea that there is an error apparent on the face of record so as to entertain this review application, but we may observe that in case, there is a dispute with regard to the identity of the land, the dismissal of the writ petition or this review application will not be an impediment in the passage of the applicant to seek appropriate demarcation with regard to the land in the event it is claimed under the ownership of the school. It will be open to the applicant to move an appropriate application for demarcation of the land which shall be considered and disposed of in accordance with law.



Disposed of.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

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