

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3732 of 2017

In
CIVIL REVIEW No.94 of 2017

-
-
1. Puran Prasad Ray @ Puran Mandal Son of late Soudi Mandal, Resident of Village - Manroja Lane, P.S. - Tatarpur, District - Bhagalpur.
 2. Nawal Kishore Mandal, Son of Shankar Mandal Resident of Village - Manroja Lane, P.S. - Tatarpur, District - Bhagalpur.
 3. Amit Kumar Mandal, Son of Raj Kumar Mandal, Resident of Village - Manroja Lane, P.S. - Tatarpur, District - Bhagalpur.
 4. Shankar Prasad Sah, Son of late Thakur Prasad Sah, Resident of Kotwali Chowk M.P. Divedi Road, P.S. - Tatarpur, District - Bhagalpur.
 5. Sanjay Kumar Sah, Son of Rajendra Prasad Sah, Resident of Mohalla - M.P. Devedi Road, P.S. - Tatarpur, District - Bhagalpur.

... .. Petitioners

Versus

1. The State Of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The Secretary, Land Reform and Revenue Department, Govt. of Bihar Patna.
4. The Municipal Commissioner, Bhagalpur Municipal Corporation, Bhagalpur.
5. The District Magistrate-cum-Collector, Bhagalpur.
6. Md. Gani, Son of late Md. Kasim, resident of Mohalla - Muzahidpur, P.S. - Muzahidpur, District - Bhagalpur.

... .. Opposite Parties

Appearance :

For the Petitioners : Mr. Pramod Kumar Thakur, Advocate
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 17-05-2019

I. A. No. 1 of 2019.

Heard learned counsel for the petitioners.

2. Delay caused in filing the restoration application is condoned.

MJC No. 3732 of 2017



3. This application under Article 227 of the Constitution of India has been filed by the petitioners for restoration of Civil Review No. 94 of 2017, which has been dismissed on 12.09.2017 due to non-prosecution.

4. For the reasons mentioned in this application, the same is allowed.

5. Civil Review No. 94 of 2017 is restored to its original file.

Civil Review No. 94 of 2017

6. This application has been filed by the petitioners for review of the order dated 15.11.2016 passed in Civil Misc. No. 1094 of 2016 whereby the application filed under Article 227 of the Constitution of India was dismissed holding the same to be not maintainable.

7. Learned counsel for the petitioners submitted that the application under Article 227 of the Constitution of India for directing the respondents not to take any unlawful and unconstitutional action against the petitioners in pursuance of a decree dated 10.06.2011 passed in Title Suit No. 174 of 2009 was maintainable. He submitted that the Court while dismissing Civil Misc. No. 1094 of 2016, the Court has grossly erred both on law and facts.



8. Submission made by the learned counsel for the petitioner is totally misconceived. If there is any illegality in the order passed by this Court, the same can be assailed by way of filing an appeal. An application for review of an order passed by the court can be made only if some mistake or error apparent on the face of the record is pointed out or upon discovery of new and important matter or evidence which, after the exercise of due diligence, was not within the knowledge or could not be produced by the person when the order was passed or for any other sufficient reason. An illegality in the order cannot be made a subject matter of review of an order passed by this Court.

9. In view of above discussions, the application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.05.2019
Transmission Date	NA

