

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.105 of 2018

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Ramjee Nonia @ Ramji Prasad Son of Late Ramsihashan Prasad resident of
Village - Jamira, Police Station - Ara Muffasil, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Bhojpur, Ara.
3. The Sub-Divisional Magistrate, Sadar, Bhojpur, Ara.
4. Gautam Kumar Singh son of Shri Narendra Kumar Sinha resident of Village -
Jamira, Police Station - Ara Muffasil, District - Bhojpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha
For the Opposite Party/s : Mr.Md. Khurshid Alam Aag 12

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 13-02-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

2. This application under Article 226 of the Constitution
of India read with Order 47, Rule-1 of the Code of Civil Procedure
has been filed by the petitioner for review of the order dated
04.02.2016 passed in CWJC No. 2238 of 2015 by which the writ
petition was disposed of on following terms :-

“Having regard to the facts pleaded in this
writ petition, the materials on record and, having heard
learned counsel for both the parties, we find that the
subject matter of this writ petition is fully covered by



the observations made, and the directions given by us in the order, dated 24.11.2015, passed in C.W.J.C.No. 4309 of 2015 (Sanjay Jha Vs. The State of Bihar and Others), reported in 2016 (1) PLJR 248.

In view of the above and in the interest of justice, it is hereby directed that respondent No.2, namely, District Magistrate, Bhojpur, Arrah, and respondent No.3, namely, Sub-Divisional Magistrate, Sadar, Bhojpur, Arrah, shall act, in the present matter, in accordance with law, keeping in view the observations made and the directions given in the order, dated 24.11.2015, aforementioned.”

3. Learned counsel appearing for the petitioner submitted that in CWJC No. 4309 of 2015 a general direction was given to all concerned authorities in the State of Bihar to remove encroachment from public land in accordance with the provisions prescribed under Section 133(1) of the Code of Criminal Procedure. Though the petitioner along with several others had encroached over the public land, the authorities removed the encroachment made by the petitioner only. He submitted that the action of the respondent authorities is discriminatory in nature. Hence, the order passed by this Court warrants a review.

4. On query, learned counsel for the petitioner could not point out any patent or grave error in the order dated 04.02.2016



passed by this Court in CWJC No. 2238 of 2015 or CWJC No. 4309 of 2015.

5. A part compliance of an order passed by the Court cannot be a ground for seeking review of the order.

6. The scope of review is limited. In order to seek review of an order, the aggrieved person is required to prove that there is mistake or error on the face of the record or new evidence has been discovered and it was not within his knowledge even after exercising due diligence or there is some other sufficient reason to allow for review.

7. The petitioner, an encroacher, cannot seek review of the order on the ground that in compliance of the court's order other encroachers have not been dealt with similarly.

8. The application is misconceived.

9. It is dismissed, accordingly.

(Ashwani Kumar Singh, J)

(Chakradhari Sharan Singh, J)

Pradeep/-

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

