

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No. 243 of 2012**

**Arising out of**  
**CIVIL WRIT JURISDICTION CASE No. 9489 of 2005**

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1. Kusheshwar Sah S/o Late Ramkishna Sah Resident of Village- Shakarpura, P.S And District- Madhepura.
  2. Brahamdeo Sah S/o Late Ramkishna Sah Resident of Village- Shakarpura, P.S And District- Madhepura.
  3. Maheshwar Sah S/o Late Ramkishna Sah Resident of Village- Shakarpura, P.S And District- Madhepura.
  4. Jugeshwar Sah S/o Late Ramkishna Sah Resident of Village- Shakarpura, P.S And District- Madhepura.
  5. Sukhdeo Sah S/o Late Ramkishna Sah Resident of Village- Shakarpura, P.S And District- Madhepura.
  6. Most. Durga Devi W/o Late Bisheshwar Sah Resident of Village- Shakarpur, P.S and District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Madhepura.
3. The Sub- Divisional Officer, Madhepura.
4. The Anchal Adhikari, Madhepura.
5. The Officer Incharge, Madhepura Police Station- Madhepura.
6. Narayan Yadav S/o Late Sukhdeo Yadav Resident of Village- Sakarpur, Police Station and District- Madhepura
7. Binay Choudhary S/o Kusheshwar Choudhary Resident of Village- Shakarpur, Police Station and District- Madhepura.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nafisuzzoha, Advocate  
For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date : 24-02-2020**

Heard learned counsel for the petitioners.

2. The present application has been filed seeking review  
of the order dated 08.11.2011 passed in CWJC No. 9489 of 2005.



3. Learned counsel for the petitioners submitted that the authorities under the garb of the order had demolished the private house of the petitioners built on their private land. By order dated 08.11.2011 passed in CWJC No. 9489 of 2005, the Court had issued the following direction:-

*“In view of the aforesaid, this Court directs the respondents to ensure that no encroachment remains on the public land which is the subject matter of the present writ application. The respondents shall ensure that all necessary and required steps in accordance with law are taken and matters reach their logical conclusion at the earliest and within a maximum period of two months from the date of receipt/production of a copy of this order on the concerned respondents.”*

4. From the aforesaid, it is clear that only the direction issued was to ensure that no encroachment remains on public land which was subject matter of the writ application and to ensure that necessary and required steps in accordance with law are taken and matters reach their logical conclusion within a maximum period of two months.

5. Thus, it is clear that the Court had not directed the authorities to demolish the house of the petitioners built on their private land and if the authorities have themselves taken some action and committed wrong, the same is a fresh cause of action available to the petitioners to assail before the



appropriate forum, in accordance with law. However, the same cannot be a ground for reviewing or modifying of the order dated 08.11.2011 passed in CWJC No. 9489 of 2005.

6. In view thereof, the application stands disposed off.

**(Ahsanuddin Amanullah, J)**

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