

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.337 of 2019**

**In**  
**Civil Writ Jurisdiction Case No.6706 of 2016**

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Ramanuj Pandit, Son of Late Chaturi Pandit, resident of Village and P.O.-  
Mushapur, P.S.- Ghataho, Circle Sarairanjan, District- Samastipur, Ex-  
Mukhiya, Gram Panchayat Raj, Mushapur, P.S.- Ghataho, District-  
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Rural Development Department,  
Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Samastipur, District- Samastipur.
4. The District Land Acquisition Officer, Samastipur, District- Samsatipur.
5. The Sub-Divisional Officer, Samastipur, District- Samsatipur.
6. The Circle Officer, Sarairanjan Block, District- Samsatipur.
7. The Officer-in-charge of Ghataho Police Station, P.S.- Ghatahao, District-  
Samastipur.
8. The Mukhiya, Gram Panchayat Raj, Mushapur, P.S.- Ghatahao, District-  
Samastipur.
9. Sri Shashibhushan Kumar Son of not known to petitioner, working as Rojgar  
Sevak, Manrega Office, Block Sarairanjan, District- Samastipur.
10. The Executive Engineer, Rural Works Department, Samastipur.
11. Ravindra Kumar Jha, Son of Sri Chandra Shekhar Jha, resident of Village  
and P.O. Mushapur, P.S.- Ghataho, Circle Sarairanjan, District- Samastipur.
12. Vinod Kumar, Son of Yogendra Pandit, resident of Village and P.O.  
Mushapur, P.S.- Ghataho, Circle Sarairanjan, District- Samastipur.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Praveen Prabhakar  
For the Opposite Party/s : Mr.Anjani Kumar (Aag4)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 04-03-2020**

1. The present petition has been filed seeking review  
of judgment and order dated 12.09.2019, passed in ***C.W.J.C. no.***  
***6706 of 2016 (Ravindra Kr. Jha & others v. The State of Bihar***



*& ors.*), whereby and whereunder the respondents have been directed either to remove the road constructed over the private khatiyani land of the petitioner or to pay compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in view of the admission made by the respondent-State and the respondent-Mukhia to the effect that the road has been constructed over the private Khatiyani land of the petitioner.

2. The petitioner is stated to be the Ex-Mukhia of Gram Panchayat Raj, Mushapur, PS-Ghataho, District-Samastipur and it is submitted by the Ld. Counsel for the review petitioner that the writ petitioners have obtained the judgment and order under review dated 12.09.2019 in collusion with the present Mukhia by suppressing the actual facts. It is stated that in the village-Mushapur, there was no approach road for the residents of the said village, hence the review petitioner, who was the then Mukhia of the said village, decided to get a road constructed under MANREGA scheme by donating the private lands for the said purpose.

3. The review petitioner has further stated that it would be evident from the contents of Annexure-1 to the writ



application that two of the signatories to the said application are Arjun Jha and Rajendra Jha, who are also from the Branch of recorded tenant of late Gopal Jha, son of late Jhallu Jha, whose name finds place in R.S. Khatian of 1919 and the writ petitioner no. 1 is claiming his right over his lands in question through his said ancestor late Gopal Jha who was his cousin grandfather. It is worth mentioning that the son of late Gopal Jha was one late Munji Jha, who during his lifetime had gifted his entire lands to the Ram Janki Math. Similarly, one of the other signatory to the application dated 23.09.2015 is one Ram Chandra Pandit, who is none else but the own brother of father of petitioner no. 2, namely Yogendra Pandit and he had also given his consent for construction of road in the said application.

4. It is submitted by the learned counsel for the review petitioner that after the review petitioner had lost election to the post of Mukhia of the said Panchayat, the writ petitioners in collusion with the authorities and the said Mukhia have suppressed the facts and obtained the order under review dated 12.09.2019. It is submitted that no notice of the writ petition was issued to the review petitioner, hence the aforesaid order dated 12.09.2019 is required to be reviewed by this Court and the writ petition is required to be heard afresh.



5. I have heard the learned counsel for the parties and gone through the records including the writ petition and the counter affidavit filed by the respondent-State, from which it is apparent that the review petitioner is a stranger and has got no locus to maintain the present review petition and moreover, according to the respondent-State authorities, admittedly, the road in question has been constructed over the private Khatiyani land of the writ petitioners appertaining to Khata no. 107, Plot no. 2191, Khata no. 109, Plot no. 2193, Khata no. 20, Plot no. 4529, Khata no. 111, Plot no. 4528 measuring total 7 katha 13 <sup>1/2</sup> dhurs of Mouza-Mushapur as well as land appertaining to Khata no. 544, Plot no. 2178, 2147, 2148, Khata no. 514, Plot no. 2171 and 2146. In this regard, it would be relevant to reproduce the relevant portion of the impugned **order dated 12.09.2019**, passed in **CWJC no. 6706 of 2016** herein below :-

*“ The Circle Officer, Sarairanjan Block, District-Samastipur has filed a counter affidavit wherein it has been stated that though it is true that the aforesaid plots in question belong to the petitioners herein and are the private khatiyani land of the petitioners, but nonetheless, the then Mukhiya has constructed road over the same.*

*The respondent no. 8, who is the present Mukhiya, has also filed a counter affidavit and has made her submissions on the same line as has been made by the Respondents-State.*



*This Court is of the view that either the respondents are required to remove the road constructed over the private Khatiyani land of the petitioners or they are liable to pay compensation under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within a period of eight weeks from today.*

*The writ petition stands allowed to the aforesaid extent.”*

6. This Court further finds that the review petitioner has got no locus to maintain the present review petition and has raised disputed question of facts, which in any view of the matter, cannot be gone into by a writ Court, hence the remedy of the review petitioner, admittedly does not lie before this Court.

7. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, I do not find any merit in the present review petition, hence the same stands dismissed, however without any Order as to cost.

**(Mohit Kumar Shah, J)**

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