

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.58 of 2020

In
Civil Writ Jurisdiction Case No.8071 of 2017

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Mohan Shankar Prasad Son of Late Ram Pukar Sah Resident of Village- Pace Patti, Ward No. 8, P.O. and P.S.- Dighwara District- Saran at Chapra (Bihar), At Present Chairman of Bhartiya Janta Party, Nagar Mandal, Dighwara, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary Urban Development Department, Govt. of Bihar.
3. The Collector Saran at Chapra.
4. The D.D.C. Cum Zila Parishad Saran at Chapra.
5. The Executive Officer Nagar Panchayat, Dighwara at Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Yogendra Prasad Sinha (AAG- 7)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 01-12-2021 Heard Mr. Manoj Kumar, learned Advocate for

the petitioner and the State.

This Court fails to understand as to how a

review petition would be maintainable on the facts stated

in the petition.

By judgment and order dated 03.02.2020

passed in CWJC No. 8071 of 2017, this Court, after

hearing the counsel for the parties, came to the

conclusion that some part of the construction was yet to

be finished which the Court was of the view that it ought to be completed and handed over to the petitioners but such stand of the petitioners was dropped for the reason that much time had elapsed since they were allotted the shops and that they were ready to accept the handing over the shops in whatever condition it was existing on that date.

The respondent no. 4 went on record saying that he was ready to hand over the allotted shops to the petitioners on "as is where is" basis and the petitioners also agreed and accepted to take possession of those shops when the same would have been handed over to them.

With that situation in hand, this Court found that no dispute remained between the parties.

All that the counsel for respondent no. 4 submitted was that the respective shops be handed over to the petitioners within a period of two weeks and the petitioners also in token of having been handed over the

respected shops be asked to endorse their acceptance which shall be to the full and final satisfaction of the parties.

I have not been able to make out the ground for the petitioners to have preferred this review petition.

Learned counsel for the applicants has drawn the attention of this Court to an order passed by the Division Bench in CWJC Nos. 13149 of 2015 and 15351 of 2015 in which a stand was taken by the District Board, Saran at Chhapra that the construction work at the site was stopped and the District Board had applied before the Executive Officer, Nagar Panchayat, Dighwara for sanction of the building plan as per the building by-laws.

It was his submission that the construction would commence only after necessary sanction is obtained in accordance with law from the Executive Officer, Nagar Panchayat, Dighwara as per building by-laws.

What was brought to the notice of this Court was that a PIL had been filed for removal of encroachment and after the removal of encroachment the revised map was supplied by respondent no. 5 on which the construction had been completed.

The reason for preferring this review petition could not be understood by this Court.

No good ground, therefore, appears to have been made out for reviewing the order passed by this Court on 03.02.2020 passed in CWJC No. 8071 of 2017.

The petition stands dismissed.

(Ashutosh Kumar, J)

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