

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.87 of 2021

In
Civil Writ Jurisdiction Case No.2453 of 2021

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1. The Union of India through its Secretary Ministry of Defence, Govt. of India, New Delhi.
 2. The Defence Estate Officer Defence Estates Office, J and B Circle, Danapur Cantt., Patna, Bihar- 801503.
 3. The Station Commander Gaya Military Station, Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Home, Govt. of Bihar.
2. The District Magistrate, Rohtas, Bihar
3. The Sub-Divisional Officer, Dehri, Rohtas, Bihar.
4. The DCLR, Dehri, Rohtas, Bihar.
5. The Circle Officer, Dehri, Rohtas, Bihar.
6. The Executive Officer, Municipal Corporation, Dehri, Rohtas, Bihar.
7. The SHO, Dehri Thana, Dehri, Rohtas, Bihar.
8. Arjun Prasad Keshri Son of Bramdev Narayan Keshri Resident of Ward No. 37, Barah Pathar, Dehri, Rohtas, Bihar - 821307.
9. Dhiraj Kumar Gupta @ Dheeraj Kumar Gupta @ Niraj Kumar Gupta Son of Laxmi Prasad @ Lakshmi Kumar Gupta Resident of Ward No. 37, Masjid Road, Barh Patthar, Dehri, Rohtas, Bihar - 821307.
10. Devendra Prasad @ Devendra Prasad Gupta Son of Ramgovind Ram Resident of Barah Patthar Road, Ward No. 37, Near Jama Masjid, Dehri, Rohtas, Dehri-on-sone, Bihar- 821307.
11. Satyendra Prasad @ Satyendra Prasad Gupta Son of Ramgovind Ram Resident of Barah Patthar Road, near Jama Masjid, Dehri, Rohtas, Bihar - 821307
12. Jogindra Prasad Gupta @ Yogendra Prasad Son of Mahaveer Prasad @ Late Mahaveer Shaw Resident of 151, Barah Patthar, Dehri, Rohtas, Bihar - 821307.
13. Pankaj Kumar Son of Ramgovind Ram Resident of Barah Patthar Road, Ward No. 37, Near Jama Masjid, Dehri, Rohtas, Bihar - 821307.
14. Santosh Kumar Son of Krishna Prasad Gupta @ Late Krishna Kumar Gupta Resident of Ward No. 36, Barah Patthar Durga Mandir, Dehri, Rohtas, Bihar - 821307.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Verma
For the Opposite Party/s : Mr.Lalit Kishore (Ag)



CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2021 Heard the parties.

The present Civil Review petition is being filed for reviewing/recalling the order dated 25.02.2021 passed in C.W.J.C. No. 2453/2021 on the ground that none of the parties have brought to the notice of this Court that there is no provision for appeal against the order passed under Section 5 A (2) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as the 'Act') under which the orders were passed by the Defence Estate Officer (petitioner no.2), hence the Writ Petition will lie before this Court.

After some arguments, learned counsel for the petitioners sought permission to withdraw the writ petition (C.W.J.C. No.2453/2021) with a liberty to file appeal before the District Judge of the concerned District under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and, accordingly, the same was disposed of vide order dated 25.02.2021 with a liberty to the petitioners to file an appeal before the District Judge of the concerned District and the District Judge was directed to entertain the appeal of the petitioners after condoning the delay in preferring the appeal.



Having heard the learned counsel for the petitioners, in my view, the petitioners have rightly pointed out that there is no provision for appeal against the order under Section 5 A (2) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 under which the orders were passed by the Defence Estate Officer (petitioner no.2), hence writ petition will lie before this Court.

Accordingly, the order dated 25.02.2021 passed in C.W.J.C. No. 2453/2021 is hereby recalled and this review application is allowed.

Office is directed to list C.W.J.C. No.2453/2021 in physical court for hearing/admission.

(Anjani Kumar Sharan, J)

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