

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4922 of 2018

In
Civil Writ Jurisdiction Case No.8682 of 1996

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Ram Bilash Singh Son of Late Chandar Singh Resident of Village Naya Gaon, Police Station- Naya Gaon, District- Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar Bihar.
2. The Deputy Collector, Land Reforms, Begusarai.
3. The Anchaladhikari, Matihani, District- Begusarai.
4. Santosh Sharma Son of Late Sadan Singh Sharma Resident of Village- Harakh Kothi, Police Station- Begusarai, District- Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shally Kumari
	:	Mr.Siya Ram Shahi
For the Opposite Party/s	:	Mr.Md. Khurshid Alam

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 17-02-2021 The petitioner is seeking modification of an order dated 22.07.1997 passed in C.W.J.C. No. 8682 of 1996 in the present application.

The writ application was disposed of with the following observation, which reads thus:-

“Therefore, having regard to the facts noticed above, I quash that part of the impugned order whereby the orders were passed by the D.C.L.R. under section 48 of the B.T. Act. The authorities shall, therefore, now proceed to decide the claim of the parties under section 22 of the Act in accordance with law.”



The Court had directed the authorities to proceed to decide the claim of the parties of that case under Section 22 of the Fixation of Ceiling Area and Acquisition of Surplus Land Act, 1961. According to the petitioner, the said order was not applicable in the petitioner's case. Such controversy cannot be gone into in the present application seeking modification of the order. It is not a case where the clerical error is required to be corrected. If, according to the petitioner, the said order of the coordinate Bench dated 22.07.1997 suffers any error apparent on record, he had other remedies which he could have availed. In the Court's opinion, this modification application cannot be entertained.

This application is accordingly dismissed.

It goes with saying that I have not gone into the merits of the contentions raised in the present application and the petitioner shall be at liberty to approach appropriate forum in appropriate proceeding in accordance with law.

(Chakradhari Sharan Singh, J)

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