

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.99 of 2021

In
Letters Patent Appeal No.595 of 2019

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Ahmadulah Zafar Hasan Son of Late Majahir Hasan, resident of Nayee Bazar
Road near Pakkisarai, Mahmmadpur Kazi District Muzaffarpur Pin - 842001.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector Cum District Magistrate, Muzaffarpur.
4. The Additional Collector, Muzaffarpur.
5. The Municipal Commissioner, Muzaffarpur.
6. The S.D.O. East Muzaffarpur.
7. The L.R.D.C, East Muzaffarpur.
8. The Circle Officer, Mushari Anchal, Muzaffarpur.
9. The Charge Officer (Settlement) Mushari, Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratan Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Lalit Kishore, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 19-09-2024 The petitioner has filed civil review to recall the order
dated 02.03.2021 passed in LPA No. 595 of 2019.

2. Learned counsel for the petitioner submitted that
co-ordinate bench has not considered Para 467 of the Bihar and
Orissa Survey and Settlement Manual, 1927 insofar as R.S. Plot
Nos. 359,360, 363, 365, 368 and 369 of Khata No. 34 of Ward
No. 15 of Muzaffarpur Town. Para 467 of Bihar and Orissa



Survey and Settlement Manual, 1927 reads as under:-

“467. It has been ruled that where it is desired to correct an entry in the finally-published records that has been procured by fraud the Settlement Officer has an inherent right to order the excision of the fraudulent entry and his act in the Settlement Officer should make the correct entry, leaving a note against the excised entry that it is fraudulent, and either stating his reasons in the record or making in the record a reference to a proceeding in which those reasons have been stated, as may be more convenient.”

3. No doubt, Settlement Officer is empowered to rectify fraudulent entries. At the same time, review petitioner has failed to implead the third party whose right has been created or vested with him by virtue alleged to be fraudulent entries in the revenue records. He has not been arrayed as necessary and proper party to the writ petition. In the absence of third party being party to this *lis* review petitioner has not made out a case so as to interfere with the Co-ordinate Bench order dated 02.03.2021. There may be a dispute among the third party and review petitioner insofar claiming right over the land bearing R.S. Plot Nos. 359,360, 363, 365, 368 and 369 of Khata No. 34 of Ward No. 15 of Muzaffarpur Town. If it is a disputed aspects, the matter is required to be adjudicated only before the civil court and the same cannot be adjudicated under writ



jurisdiction.

4. Taking note of these factual aspects of the matter review petitioner has not made out a case, accordingly, the present Civil Review No. 99 of 2021 stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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