

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.126 of 2021

In
Letters Patent Appeal No.638 of 2018

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Mokendra Kumar @ Makendra Kumar Son of Late Dallu Yadav, Resident of
Village-Mirganj, Police Station-Sakurabad,, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Revenue and Land Reforms,
Government of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Additional District Magistrate, Jehanabad.
4. The District Land Acquisition Officer, Jehanabad.
5. The Deputy Collector Land Reforms, Jehanabad.
6. The Anchal Adhikari, Jehanabad.
7. The Additional Superintendent of Police, Jehanabad.
8. The Registrar, District and Sessions Court, Jehanabad.
9. The District Bar Association, Jehanabad through its Secretary, District Bar
Association, Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Jitendra Prasad Singh, Advocate Mr.Rajeev Kumar, Advocate
For the Opposite Party/s :		Mr.Md. Khurshid Alam (Aag 12)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

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

Date : 23-01-2024

The present civil review petition is filed for recalling the
order passed in LPA No. 638 of 2018 arising out of CWJC No.
18672 of 2016 dated 12.12.2019.

2. Learned counsel for the review petitioner pointed out
certain factual error in Para 7 of the LPA order dated 12.12.2019.



The aforementioned alleged error committed by Co-ordinate Bench is in respect of certain disputed facts. At this stage, we have noticed what is the relief sought by the petitioner and it was in respect of disputed issue pertaining to particular land. It is alleged that petitioner's forefathers were owners of the subject land and it was occupied by the State Government or its concerned department and relevant revenue records are being shown as in the name of Government/concerned department. Faced with these disputed issues in all fairness learned Single Judge should not have resorted to entertain the writ petition under Article 226 of the Constitution of India. Disputed issues cannot be adjudicated as held by the Hon'ble Supreme Court in the case of ***Shalini Shyam Shetty & Another vs. Rajendra Shankar Patil*** reported in (2010) 8 SCC 329 read with ***Rajasthan State Industrial Development & Investment Corporation & another vs. Diamond & Gem Development Corporation Ltd.*** reported in (2013) 5 SCC 470. Therefore, it will go to the root of the matter insofar as entertaining petitioner's grievance in CWJC No. 18672 of 2016. Taking note of these facts and circumstances, *prima faice*, there is no error apparent on the face of the record so as to interfere with the Co-ordinate Bench order dated 12.12.2019 passed in LPA No. 638 of 2018.



3. Be that as it may, having regard to the fact that disputed issues are involved in the present *lis*, therefore, petitioner is at liberty to initiate appropriate proceedings before the Trial Court in initiating suit proceedings and in accordance with law.

4. We make it clear that orders of learned Single Judge and LPA order dated 12.12.2019 passed in LPA No. 638 of 2018 would not be a hurdle for review petitioner to invoke remedy in filing civil suit proceedings.

5. Accordingly, the present Civil Review No. 126 of 2021 stands disposed of. Pending I.As, if any, stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
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