

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1990 of 2023

In
Civil Writ Jurisdiction Case No.6909 of 2021

=====

Binod Kumar Bhutoria

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar, Advocate
For the Opposite Party/s	:	Mr. Subhash Prasad Singh (GA 3)
		Mr. Shiv Kumar, AC to GA – 3
For PMC	:	Mr. Prasoon Sinha, Advocate

=====

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

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

4 09-07-2024 Petitioner was not party in C.W.J.C. No. 6909 of 2021 passed on 25.04.2022 by the Co-ordinate Bench. He is seeking modification of the order.

2. The office has raised objection to the extent that petitioner was not party to the aforementioned litigation. Therefore, the present M.J.C. No. 1990 of 2023 is not maintainable and the same has not been complied.

3. With the consent of the learned counsel for the petitioner, we have taken up the matter for final disposal on the score that the present M.J.C. No. 1990 of 2023 is not maintainable in the light of Co-ordinate Bench decision



dated 08.02.2024 passed in L.P.A. No. 262 of 2021 (*The State of Bihar & Ors. Vs. Rajeev Ranjan Satsangi & Ors.*) and connected matters in which we have taken note of Hon'ble Supreme Court decision in the case of *Shivdeo Singh and Ors. vs. State of Punjab and Ors.* Reported in *AIR 1963 SC 1909*. The relevant paragraph 8 reads as under:-

“8. The other contention of Mr. Gopal Singh pertains to the second order of Khosla, J., which in effect, reviews his prior order. Learned counsel contends that Article 226 of the Constitution does not confer any power on the High Court to review its own order and, therefore, the second order of Khosla, J., was without jurisdiction. It is sufficient to say that there is nothing in Article 226 of the Constitution to preclude a High Court from exercising the power of review which inheres in every court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. Here the previous order of Khosla, J., affected the interests of persons who were not made parties to the proceeding before him. It was at their instance and for giving them a hearing that Khosla J., entertained the second petition. In doing so, he merely did what the principles of natural justice required him to do. It is said that the respondents before us had no. right to apply for review because they were not



parties to the previous proceedings. As we have already pointed out, it is precisely because they were not made parties to the previous proceedings, though their interests were sought to be affected by the decision of the High Court, that the second application was entertained by Khosla J.”

4. Accordingly, the present M.J.C. No. 1990 of 2023 stands disposed of, reserving liberty to the petitioner to invoke remedy of filing Civil Review or C.W.J.C. afresh.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

U			
---	--	--	--

