

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.149 of 2021

In
Letters Patent Appeal No.1673 of 2019

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Jai Prakash Tiwary Son of Sri Sharda Nand Tiwari Resident at Jalalpur, P.O.
and P.S. Jalalpur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar, Bihar.
2. The Secretary, Land Reforms Department, Government of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Land Acquisition Officer, Saran at Chapra.
5. The Circle Officer, Jalalpur, Saran.
6. Kamayati Devi Wife of Nagdeo Msihra Resident of Jalalpur, P.S. Jalalpur,
District- Saran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary
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 ALOK KUMAR PANDEY
ORAL ORDER

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

5 14-03-2024 The present Civil Review petition is filed for

recalling the order dated 1.3.2021 passed in C.W.JC. No.1673

of 2019 arising out of C.W.J.C. No.7528 of 2014.

2. Learned counsel for the petitioner submitted that

Coordinate Bench while passing order on 1.3.2021 in L.P.A.
No.1673 of 2019 has committed error in not appreciating the

factual aspect of the matter.



3. On the other hand, learned counsel for the respondent submitted that there is no error committed by the Coordinate Bench.

4. Be that as it may, perusal of the pleadings in the writ petition, LPA and civil review petition, we have noticed that issue is whether State has encroached the land of the review petitioner or not. These are all civil matter and disputed issue to the extent whether State respondents have encroached the private land of the petitioner or not and such a disputed matters are required to be adjudicated before the trial Court in filing civil suit.

5. The Hon'ble Supreme Court in the case of **Shalini Shyam Shetty and another vs. Rajendra Shankar Patil** reported in **(2010) 8 SCC 329** read with **Rajasthan State Industrial Development and Investment Corporation and anotehr vs. Diamond and Gem Development Corporation Ltd.** reported in **(2013) 5 SCC 470** held that High Court shall not interfere under Article 226 in respect of disputed issues.

6. Accordingly, the present Civil Review Petition No.149 of 2021 stands dismissed. The order passed in C.W.J.C. No. 7528 of 2014 read with LPA No.1673 of 2019



would not be a hurdle, to invoke appropriate remedy before the territorial jurisdiction of the Civil Court, in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Amit/- sanjeev/-

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