

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.219 of 2023

In
Civil Writ Jurisdiction Case No.17236 of 2017

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Jacob Johnson Das, S/o Late Thomas Lal Das, Resident of Girja Chowk,
P.S.K. Hat, District Purnea, Bihar. (Priest of The Emmanuel Church, Girja
Chowk, Purnea).

... .. Petitioner

Versus

1. The State of Bihar represented through the Chief Secretary, Government of Bihar, Patna-800001.
2. The District Magistrate, Purnea.
3. Superintendent of Police, Purnea.
4. Secretary, Ancient Monuments and Archeological Department, Vikas Bhawan, Patna.
5. The Archaeological Officer, Patna.
6. The Circle Officer, East Block, District Purnea.
7. Saurabh Kumar Joseph Son of Late Bimal Kumar Joseph, Resident of Mohalla Sadar Hospital Lane Bazar, Post and P.S. and District- Purnea.

... .. Opposite Parties

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Appearance :

For the Petitioner/s :	Mr.Sanjay Kumar, Advocate
For Private Respondent :	Mr. Samir Kumar, Advocate
	Mr. Saurav Singh, Advocate
For the Opposite Party/s :	Mr.Sarvesh Kumar Singh (Aag 13)
	Mr. Rajat Kumar Tiwary, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 01-04-2024

The present Civil Review is in respect of order dated 26.02.2018 passed in C.W.J.C. No. 17236 of 2017. It is a short order, therefore, it is necessary to extract the same and it reads as under:



“Inter alia contending that with regard to a Church, namely, Emmunel Church, situated in Sadar Bazar, Purnea, Bihar, the provisions of the Bihar Ancient Monuments and Archaeological Sites Remains and Art Treasures Act, 1976 and the Indian Church Act, 1927 are not being implemented and action is not being taken for preserving heritage Church, representation submitted to respondent nos.4 and 5 having been ignored, this writ petition has been filed in Public Interest Litigation for preserving the Heritage monuments as indicated hereinabove.

Keeping in view the grievance of the petitioner, for the present without entering into the controversy, the respondent no.5 is directed to take note of the grievance of the petitioner, evaluate it in the backdrop of the statutory provisions indicated hereinabove and take a decision preferably within a period of three months from the date of receipt/production of a certified copy of this order.

With the aforesaid, the writ application stands disposed of.”



2. During pendency of the present Civil Review Petition, on 17.08.2023 Respondent - Saurabh Kumar Joseph, whose grievance in C.W.J.C. No. 17236 of 2017 has been redressed in passing order on 17.08.2023. In other words order dated 26.02.2018 passed in C.W.J.C. No. 17236 of 2017 has already spent its force, therefore, Review Petitioner has a fresh cause of action.

3. Learned counsel for the review petitioner submitted that order dated 26.02.2018 passed in C.W.J.C. No. 17236 of 2017 is without hearing the 7th Respondent in the aforementioned writ petition.

4. We appreciate that Civil Review petitioner has not been heard while deciding C.W.J.C. No. 17236 of 2017, at the same time, we have to take note of the fact that order of the Co-ordinate Bench decision dated 26.02.2018 (cited supra) has already spent its force with reference to order dated 17.08.2023 stated to have been passed by the Department of Archaeology. Therefore, question of entertaining the present Civil Review is impracticable in view of later development that orders of the Co-ordinate Bench has already implemented.

5. Accordingly, the present Civil Review stands disposed of, reserving liberty to the petitioner to assail the order



dated 17.08.2023 in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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AFR/NAFR	N.A.F.R
CAV DATE	N.A
Uploading Date	02.04.2024
Transmission Date	N.A

