

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.223 of 2023

In
Civil Writ Jurisdiction Case No.2210 of 2023

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1. Lalita Devi Wife of Late Satya Narayan Mishra Resident of Ganghara Niwas, Mohalla Basant Vihar Colony, Jay Prakash Path (Boring Road), P.S. Shri Krishnapuri, Patna-800001.
 2. Bimal Kumar Son of late Satya Narayan Mishra Resident of Ganghara Niwas, Mohalla Basant Vihar Colony, Jay Prakash Path (Boring Road), P.S. Shri Krishnapuri, Patna-800001.

... .. Petitioner/s

Versus

1. The Commissioner, Patna Municipal Corporation, Maurya Lok, C-Block, Patna-800001.
2. The Executive Officer, Patliputra Circle, Patna Municipal Corporation, Sahdeo Mahto Marg, Shri Krishnapuri, Patna- 800001.
3. Lavina Sharma @ Aarti Sharma Wife of late Ambarjyoti Sharma Resident of Nayantara Sadan, Jay Prakash Path (Boring Road), P.S. Shri Krishnapuri, Patna-800001.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Prasoon Sinha, Sr. Advocate
		Mr. Prabhat Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 19-03-2025 Learned Counsel for the petitioners prior to the argument submits that due to inadvertent mistake, the prayer for demolition of the house has come which is incorrect. He seeks permission to correct the same in course of the day.

2. Permission is granted. He is directed to correct the same in course of the day.

3. Heard Learned Counsel for the petitioners and Learned Senior Counsel for the Patna Municipal Corporation.



4. Learned Counsel for the petitioners submits that the present review application has been filed raising two points. The first point is that in the second paragraph ‘Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013-14’ has been inadvertently typed in place of the ‘the Bihar Municipal Act, 2007’.

5. Learned Senior Counsel for the Patna Municipal Corporation has no objection for the same. He submits that in paragraph-2 the Act name has wrongly been typed and the correct Act is the Bihar Municipal Act, 2007.

6. In the light of the submissions made, the expression “Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013-14” typed in paragraph-2 of order dated 06.07.2023 passed in CWJC No.2210 of 2023 shall be read as “the Bihar Municipal Act, 2007.

7. Learned Counsel for the petitioners submits that the second point due to which the review application has been filed is that the petitioners have filed their application before the Municipal authority under Section 135 of the Bihar Municipal Act, 2007 and not under Section 141 of the Bihar Municipal



Act, 2007.

8. Learned Senior Counsel for the Patna Municipal Corporation has raised objection and submits that the order impugned is very much clear. The operative part categorically indicates that in the name of land owners name of Ambarjyoti Sharma was inserted but petitioners have demanded their name to be mutated. Learned Counsel further submits that applicability of Section 135 of the Bihar Municipal Act, 2007 shall arise only when there is no dispute in the assessee.

9. Here in the present case, the name of assessee has to be ascertained and, therefore, the said order is challengeable under Section 141 of the Bihar Municipal Act, 2007 that is to review and, hence, according to him there is no need of any interference in the order dated 06.07.2023 passed in CWJC No.2210 of 2023.

10. In this background, this Court is hereby partially review the order dated 06.07.2023 passed in CWJC No.2210 of 2023 and in rest part there is no need of any interference in the order impugned and Civil Review is partly allowed and partly dismissed.

(Dr. Anshuman, J)

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