

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.465 of 2017

In
Civil Writ Jurisdiction Case No.5049 of 2014

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1. Rameshwar Rai and Ors
 2. Ram Bilash Rai
 3. Kailash Rai. All Sons Of Late Sundar Rai. All Residents Of Village - Deep West P.S. Madhepur, District - Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Collector, Madhubani.
3. The Sub-Divisional Officer, Jhanjharpur, District- Madhubani.
4. The Deputy Collector, Land Reforms, Jhanjharpur, District- Madhubani.
5. The Anchal Adhikari C.O. Lakhanour, District- Madhubani.
6. Sri Kedar Nath Jha, son of Late Lekh Nath Jha, resident of Village- Deep, P.S.- Madhepur, District- Madhubani.
7. Deodhdira Sanskrit Uchcha Vidyalaya Deep, P.S.- Madhepur, District- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogendra Kumar
For the Opposite Party No. 7	:	Mr.Shashi Nath Jha
For the State		Mr. Khusid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

4 20-02-2025 Heard the parties.

2. This civil review application has been preferred by the petitioner to review the order dated 24.08.2017 passed by a co-ordinate Bench of this Court in CWJC No. 5049 of 2014.

3. The Circle Officer, Lakhanour, Madhubani (respondent no. 5) was directed by the co-ordinate Bench vide order dated 07.11.2021 in CWJC No. 20820 of 2012 to consider the documents submitted by the petitioners as well as the private respondent and it was also observed that in the event, the Circle Officer finds that the land, in question, belongs to the school (the private respondents), then he shall ensure that the



lands of the school are not used by any other authority/agency for any other purpose and restore to this school. The relevant portion of the order dated 07.11.2012 is being extracted hereinbelow:-

“Let Circle Officer, Lukhnaur consider the documents submitted by the petitioner and others in the light of the notice dated 02.02.2012 and pass reasoned order within two months from the date of receipt/production of a copy of this order before the Circle Officer. In the event, Circle Officer finds that the lands in question belong to the school then he shall ensure that the lands of the school are not used by any other authority/agency for any other purpose and restored to the school.”

4. The petitioners claimed the land, in question, to be in their possession and they have made *Indira Awas* over there whereas the private respondents (the *Sanskrit Uchcha Vidyalaya*) claims the land belonging to itself on the basis of gift deed, executed in favour of the *Sanskrit Uchcha Vidyalaya* by the recorded *raiyats*.

5. The Circle Officer, after order of this court conducted the inquiry and found the petitioners to be encroachers of the land, in question, and accordingly directed removal of the encroachment. The petitioners challenged the



order of Circle Officer through CWJC No. 5049 of 2014 and vide impugned order dated 24.08.2017, the writ petition filed by the petitioners has been dismissed. The following observations have been made by the writ court in impugned order:-

“Considering the aforesaid facts, this Court is refraining from interfering with the impugned order, since the said order has been passed by the Circle Officer, in pursuance to the order of this Court. Hence, the writ petitioners are precluded from challenging the order of the Circle Officer on the ground that he has decided the claim of the school in question in an encroachment proceeding in pursuance to the direction of a Bench of this Court. Moreover, the writ petitioner has not challenged the order dated 07.11.2012 passed in CWJC No. 20820 of 2012.”

6. The petitioners failed to indicate even a slightest error in the impugned order dated 24.08.2017 passed by the Coordinate Bench in CWJC No. 5049 of 2014.

7. As such, I do not find any merit in the present writ petition. Accordingly, it is dismissed.

(Nawneet Kumar Pandey, J)

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