

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.142 of 2024

In
Civil Writ Jurisdiction Case No.6560 of 2023

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Azhar Sharful Haque Son of Late Dr. Ghulam Sharful Haque resident of Kumhrar House Campus, Dargah Shaharzan, P.S.- Sultanganj, P.O.- Mahendru, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Superintendent of Police, Patna.
6. The Additional Collector, Land Revenue (ACLR), Patna.
7. The Deputy Collector, Land Reforms, Patna City.
8. The Circle Officer, Patna Sadar, Patna.
9. Nawab Lal Yadav Son of Late Ram Babu Yadav, resident of Naya Tola, behind Kriti Petrol Pump, P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna- 800026.
10. Ram Awadhesh Yadav Son of Late Ram Babu Yadav, resident of Naya Tola, behind Kriti Petrol Pump, P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna- 800026.
11. Rohit Kumar Son of Nawab Lal Yadav resident of Naya Tola, behind Kriti Petrol Pump, P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna- 800026.
12. Rahul Kumar Son of Nawab Lal Yadav, resident of Naya Tola, behind Kriti Petrol Pump, P.O.- Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna- 800026.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan, Adv.
For the Opposite Party/s : Mr. Additional Advocate General 12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 03-04-2026

I.A. No. 01 of 2024

The aforesaid I.A. has been preferred for condoning



the delay of 23 days in filing the review petition.

2. For the reasons assigned in paragraph 6 and 7, I.A. No. 01 of 2024 is allowed.

3. The delay of 23 days in filing the review is condoned.

C. Rev. No. 142 of 2024

4. The present application has been preferred:

for reviewing the order dated 12.02.2024 passed by Hon'ble Mr. Justice Rajiv Roy in C.W.J.C.No. 6560 of 2023, by which the Hon'ble Court disposed of the aforesaid writ petition on relying upon the para 11 of the counter affidavit filed on behalf of the respondent no. 9 to 12 in which respondent no.9 to 12 made averments that Title Suit No. 68 of 2023 has been filed in terms of order dated 31.01.2023 passed in L.P.A.No. 614/2022, which is absolutely not related with subject land in the instant writ petition. The subject land in the aforesaid writ application is related with Khata No.588, Plot No. 1400 area 56, situated in Mauza: Kumhrar, Thana No. 12, in Patna Sadar Anchal, Patna whereas the aforesaid Title Suit No. 68 of 2023 in which suit property mentioned in Schedule-1 related with Khata No. 275/24, Khesra No. 184, area lacre 35 decimals, under Thana No. 12, Tauzi No. 126, situated in Mauza: Jogipur, P.S: Sultanganj, District: Patna.



In the aforesaid facts and circumstances, the Hon'ble Court has held in para 9 of the impugned order that "In view of the fact that a title suit has already been filed, the parties shall appear and make their respective submissions so that the title suit is taken to its logical conclusion." which requires to be review by this Hon'ble Court and pass an appropriate order as protector of fundamental rights of the writ petitioner.

5. The aforesaid Civil Review petition has been preferred for review of the order dated 12.02.2024 in CWJC No. 6560 of 2023 (Azhar Sharful Haque vs. State of Bihar) by which the writ petition was disposed of granting relief to the petitioners.

6. The contention is that in paragraph 7, it was recorded that Title Suit No. 68 of 2023 is pending before the learned Sub-Judge, Patna City where both the petitioners are necessary parties.

7. The submission is that the said statement made in paragraph 11 of the counter affidavit filed on behalf of the respondents nos. 9 to 11 is/are incorrect inasmuch as, the actual details of the land incorporated in the Title Suit No. 68 of 2023 is as follows:

Thana No.- 12;

Tauzi No.- 126;



Khata No.- 275/24;

Khesra No. 184;

Area A-D- 1.35.

8. Respondent nos. 9 to 11 have marked their presence and they also have accepted the fact that erroneously, it was incorporated that the Title Suit No. 68 of 2023 relates to the present land.

9. Learned State Counsel also submits that as per the plaint of the Title Suit No. 68 of 2023, the land details are different.

10. This Court has heard the parties and have perused the plaint of the Title Suit No. 68 of 2023 which is part of the civil review petition and concurs with the submissions put forward by learned counsel for the petitioners that paragraph 7 needs to be reviewed.

11. In that background, this Court records that in paragraph 7 of the order dated 12.02.2024 in the case of Ahar Sharful haque vs. State of Bihar & ors. (CWJC No. 6560 of 2023), it be recorded that the Title Suit No. 68 of 2023 is not related to the present land rather it relates to Thana No. 12, Tauzi No. 126, Khata No. 275/ 2024, Khesra No. 184 (Area- 1.35 decimal) in Mauza Jogipur under Sultanganj Police Station, Patna.



12. With the aforesaid observation, Civil Review No.
142 of 2024 is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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