

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1771 of 2025

In
Civil Writ Jurisdiction Case No.358 of 2025

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Prahlad Kumar Singh @ Prahlad Singh Son of Late Babunand Kishore Singh
@ Nand Kishore Singh, Resident of village- Rampurmadhav, P.O.- Sasamusa,
P.S.- Kuchaykot, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Urban and Housing Development Department Government of Bihar, Patna.
2. The Additional Chief Secretary, Urban and Housing Development Department, Government of Bihar, Patna.
3. The District Magistrate, Vaishali.
4. The Additional Collector, Vaishali at Hajipur.
5. The Deputy Collector Land Reform, District- Vaishali at Hajipur.
6. The Circle Officer, Hajipur at Vaishali.
7. The Executive Officer, Nagar Parishad, Hajipur at Vaishali.
8. The Executive Engineer, Public Works Department, Hajipur at Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Kanishk Kaustubh, Advocate
		Ms. Lakshmi Kumar, Advocate
		Mr. Rajnish Prakash, Advocate
For the State	:	Mr. Navnit Kumar, AC to GP-18
For the Nagar Parishad	:	Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 18-03-2026

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Nagar



Parishad, Hazipur.

2. Learned counsel for the petitioner submits that the present application has been filed for modification/correction of the name of respondent No. 3 in the order sheet as well as in the title page, by substituting “District Magistrate, Vaishali” in place of “District Magistrate, Muzaffarpur.”

3. Learned counsel for the petitioner fairly submits that the name “District Magistrate, Muzaffarpur” has appeared in the order sheet due to an inadvertent error committed in the writ petition itself, wherein the said designation was wrongly typed instead of “District Magistrate, Vaishali.”

4. Learned counsel further submits that for carrying out correction in the order sheet, it is necessary to amend the pleadings in the writ petition as well. A copy of the writ petition has been annexed with the present MJC. It is further submitted that the provisions under Sections 152 and 153 of the Code of Civil Procedure empower the Court to correct clerical or arithmetical mistakes and to amend any defect or error in any proceeding, so as to determine the real question in controversy between the parties.

5. Learned counsel further submits that a similar situation had arisen in MJC No. 1618 of 2025, wherein a



modification petition was filed for correction of an incorrect Khata number mentioned in the order sheet due to an inadvertent mistake in the writ petition. It is submitted that although the said case related to an error in Khata number, whereas in the present case the error pertains to the district of the respondent, the principle remains the same. Learned counsel submits that the mistake was inadvertent and ought not to have occurred, and undertakes that such an error shall not be repeated in future.

6. Learned counsel for the State, on the other hand, submits that in the writ petition respondent No. 3 has been described as “District Magistrate, Muzaffarpur,” and accordingly the same has been reflected in the order sheet. However, it is fairly submitted that all annexures and correspondences on record pertain to District Vaishali, and thus the error is clearly inadvertent and requires correction. Learned counsel for the State has no objection to the prayer made by the petitioner.

7. Having heard learned counsel for the parties and considering the ratio laid down in MJC No. 1618 of 2025 (Ashok Pandey), particularly paragraphs 9 to 16 thereof, and in view of the scope of Sections 151 and 153 of the Code of Civil



Procedure, this Court is inclined to allow the present modification application. However, this Court feels it necessary to quote paragraphs 9 to 16 of the judgement aforesaid as under :

“9. After hearing the parties, it transpires to this Court that section 153 of the Code of Civil Procedure empowers general powers to the Court to amend any defect or error in any proceeding in a suit, and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding.

10. As such, upon perusal of the documents and pleading, this Court is of the opinion that for the purpose of determining the real question in the writ proceeding, amendment is required in paragraph 3 and 7 of writ petition. The order which the petitioner wants to modify, can be modified only after such amendment in writ, and hence, powers so vested in this court by virtue of section 153 read with Section 151 of the Code of Civil Procedure, this Court hereby directs to the petitioner to make amendment in paragraph 3 and 7 of the writ petition in course of the day, as copy of writ petition is attached with present MJC, so that correction in paragraph 3 be made in page 2 /4 of the order dated 03.03.2025 in CWJC No.3147 of 2025 particularly, in third line of paragraph 3 (page 2/4) of the order sheet.

11. The said amendment has been made in para 3 & 7 of the writ petition, namely, CWJC No. 3147 of 2025 today itself.

12. In the light of the submissions



made, the said correction has been directed to be made in the order dated 03.03.2025 passed in C.W.J.C. No.3147 of 2025. i.e., Khata No.379 be read as Khata No.369 in third line of paragraph 3 (page 2/4) of the order sheet, in the light of power so vested in Court by virtue of Section 151 read with Section 153 of CPC, 1908.

13. Accordingly, the modification application is hereby allowed up to the extent.

14. However, this Court is conscious that all parties at the time of passing of the order dated 03.03.2025 passed in CWJC 3147 of 2025 are present today also and have raised no objection for the said correction / amendment and modification.

15. It is made clear that the 90 days time which has been granted in order dated 03.03.2025 passed in CWJC No.3147 of 2025 shall be counted from today.

16. It is made clear that according to custom, the writ application has always been placed with the “MJC for modification”, from which it arises.”

8. Accordingly, the petitioner is directed to carry out necessary correction in the name of respondent No. 3 in the writ petition, as annexed with the present MJC, within one week from today.

9. Consequently, the order dated 23.01.2025 passed in CWJC No. 358 of 2025 stands modified to the extent that the name of respondent No. 3 shall be read as “District Magistrate/Collector, Vaishali” in place of “District Magistrate, Muzaffarpur,” subject to necessary correction being made in the



writ petition by the learned counsel for the petitioner, as directed above, within ten days from the date of this order.

10. The order passed today shall form part and parcel of the order dated 23.01.2025 passed in CWJC No. 358 of 2025, and the period of six months granted vide order dated 23.01.2025 shall be reckoned from today.

11. Accordingly, the present application stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	/03/2026
Transmission Date	NA

