

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9660 of 2025

Krishna Mohan Choudhary son of Ganga Prasad Choudhary, Resident of 50-121-30/5, Flat No.-FF1, 2nd Floor, Raghunath Tower, B S Layout, Seethamadhara, North Extention, P.O.-Vishakhapatnam (Urban), P.S. and District-Vishakhapatnam, State-Andra Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Deputy Collector Land Reforms, Danapur, District-Patna.
6. The Circle Officer, Danapur Anchal, District-Patna.
7. The S.H.O., Rupaspur, District-Patna.
8. Jageshwar Ray, S/o Late Ram Pratap Rai, R/o Village-Gorigama, Gorigama Gosain Dasgarh, At present R/o Village-Manpura, P.O.-Mahua, P.S.-Mahua, District-Vaishali.
9. Arti Ray, W/o Jageshwar Ray, R/o Village-Gorigama, Gorigama Gosain Dasgarh, At present R/o Village-Manpura, P.O.-Mahua, P.S.-Mahua, District-Vaishali.
10. Prahlad Singh, S/o Late Dhaneshwar Singh, R/o Village-Jalalpur, P.O.-Sahay Nagar, P.S.-Rupaspur, District-Patna.
11. Kunti Devi, W/o Prahlad Singh, R/o Village-Jalalpur, P.O.-Sahay Nagar, P.S.-Rupaspur, District-Patna.
12. Santu Kumar, s/o Prahlad Singh, R/o Village-Jalalpur, P.O.-Sahay Nagar, P.S.-Rupaspur, District-Patna.
13. Pankaj Kumar, S/o Prahlad Singh, R/o Village-Jalalpur, P.O.-Sahay Nagar, P.S.-Rupaspur, District-Patna.
14. Sushil Kumar, S/o Prahlad Singh, R/o Village-Jalalpur, P.O.-Sahay Nagar, P.S.-Rupaspur, District-Patna.

... .. Respondent/s

Appearance :

Appearance :

For the Petitioner/s	:	Mr. Raju Kumar, Advocate
For the Resp. Nos. 8 & 9:		Mr. Yogendra Kumar, Advocate
		Mr. Ram Naresh Roy, Advocate
For the State	:	None

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY



ORAL JUDGMENT

Date : 28-07-2026

Heard Mr. Raju Kumar, learned counsel for the petitioner and Mr. Yogendra Kumar, learned counsel representing the respondent nos. 8 and 9. The State, as usual, is unrepresented.

2. The present petition has been preferred for the following relief(s):

“(i) to issue a writ in the nature of CERTIORARI for quashing the order dated 22.05.2025 passed by Divisional Commissioner, Patna Division, Patna in Land Dispute Appeal Case No. 110 of 2024 whereby and whereunder he has been pleased to withdraw the previous final order dated 11.03.2025 and reopened the Land Dispute Appeal Case No.-110 of 2024 and also called for a Joint Investigation report from D.C.L.R., Danapur and S.D.P.O., Danapur.

(ii) to direct the respondents not to disturb the peaceful possession of the petitioner over the land in question in the nature of mandamus.

(iii) to direct the respondent No.-3 in the



nature of Mandamus to close the proceeding of Land Dispute Appeal Case No. 110 of 2024 as final order has been already been passed in the said Land Dispute Appeal Case No.- 110 of 2024 on 11.03.2025 by Respondent No.-3.

(iv) to Direct any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

3. The details of the land stands incorporated in paragraph-4 of the writ petition and read as under:

*“Mauza-Jalalpur;
Thana No. 22;
Khata No. 14;
Khesara No. 149;
Area – 4658 sq.ft. Or 3 Katha 8 dhur 8 dhurki.”*

4. The limited question for which this writ petition has been preferred is/are that:

“whether the Divisional Commissioner has the power to review its own reasoned order when neither the petition preferred by the parties nor the order re-opening the case records the finding/give the reason warranting such review stand incorporated.”



5. The short story relating to the case is/are that the petitioner and respondent nos. 8 and 9 are on litigating terms with regard to the land in question and the matter finally moved from the Court of the Deputy Collector Land Reforms, Danapur to the Court of Divisional Commissioner, Patna when the **Land Dispute Appeal Case No. 110 of 2024** was initiated at the behest of the respondent against the order passed by the **DCLR, Danapur in Land Dispute Case No. 9 of 2023-24.**

6. Upon notice, the petitioner herein appeared and **the Court of Divisional Commissioner, Patna in Land Dispute Appeal No. 110 of 2024 (Jageshwar Ray & Ors. vs Krishna Mohan Choudhary & Ors.)**, after hearing the parties which included the petitioner, the respondent nos. 8 and 9 (who were the petitioners in the said appeal) as also the State, passed a reasoned order on **11.03.2025** and held that the applicants have failed to convince the Court and produce the relevant documents to support their case.

7. Granting liberty to approach the competent Court, in case they are aggrieved by the order, the appeal of the respondent nos. 8 and 9 was rejected (Annexure-P/3 to the petition).

8. As the story unfolds, the respondent nos. 8 and 9



later preferred **review petition** in the **Land Dispute Appeal No. 110 of 2024 (Jageshwar Ray & Ors. vs Krishna Mohan Choudhary & Ors.)**.

9. This review petition has been brought on record by the respondent nos. 8 and 9 themselves in their counter-affidavit wherein they alleged that the petitioner herein cunningly got an order from the learned **DCLR** in the **Land dispute Case No. 09 of 2023-24**.

10. A perusal of it, however, shows that not a single word has been recorded in the said review petition with regard to the error/misrepresentation of fact and/or patent illegality which needs review.

11. A counter-affidavit of the State records the order of the Divisional Commissioner, Patna as also the present development that the respondent nos. 8 and 9 have resorted to forceful illegal possession over the land by constructing asbestos house. The State, however, chooses not to venture into the fact that whether the Commissioner has the power to review its own order.

12. Learned counsel for the petitioner submits that when a reasoned order was passed in the presence of the parties which included the petitioner, the respondent nos. 8 and 9 as



also the State and the Divisional Commissioner, Patna, came to a definite finding and passed a reasoned order while dismissing the petition of the respondent nos. 8 and 9 on **11.03.2025**, it had no business to reopen it particularly when even the review petition is silent on the points that was/were to be taken into consideration forcing the Divisional Commissioner, Patna to review its own order. As such, it needs interference.

13. Learned counsel representing the respondent nos. 8 and 9 on the other hand submits that when the Divisional Commissioner is/was satisfied that it needs reopening, he/she can review its own order. The petitioner has the opportunity to put forward his views before a decision is taken.

14. This Court has taken note of the contents/paragraph no. 18 of the counter-affidavit of the respondent nos. 8 and 9 which records that if there has been a fraud, misrepresentation of fact amongst the other, the review can taken place. However, the respondent nos. 8 and 9 have failed to show from the review petition as to what was the fraud that was committed by the petitioner and/or what kind of misrepresentation took place which affected the order which prompted the Divisional Commissioner to review its own order.

15. This Court has heard the parties at length and is of



the view that when in the presence of the petitioner, the respondent nos. 8 and 9 as also the learned State counsel, a reasoned order was passed by the Divisional Commissioner, Patna on **11.03.2025** and when review petition is silent on the reason that prompted the respondent nos. 8 and 9 to file it and further, when even the Divisional Commissioner, Patna himself failed to record the reason in its shortest order to show his satisfaction that the order dated **11.03.2025** needs a re-look, he completely erred in reviewing his own order dated **11.03.2025**.

16. In extreme cases, where the fraud has been committed or the facts were completely distorted which affected the order, a review may take place and not otherwise when the Divisional Commissioner even fails to record his satisfaction for the reopening of the case/review of the order. Certainly, a reasoned order can not be reviewed without giving any reason.

17. In that background, the writ petition stands allowed. The order dated **22.05.2025** passed by the **Divisional Commissioner, Patna** in the **Land Dispute Appeal Case No. 110 of 2024** stands quashed.

18. The parties are free to take recourse to legal remedy, in accordance with law, against the order of the Divisional Commissioner, Patna dated **11.03.2025**.



19. Nothing recorded in the present order shall be taken into consideration by the appropriate authority/competent Court as and when the parties prefer the petition against the order passed by the Divisional Commissioner, Patna on 11.03.2025 as this Court has not gone into the merit of the case.

20. The writ petition stands disposed of with the aforesaid observation. No cost.

(Rajiv Roy, J)

Adnan/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	29.07.2026
Transmission Date	N/A

