

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.221 of 2023

In
Civil Writ Jurisdiction Case No.4044 of 2020

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Ram Krishna Pathak Son of Late Gobardhan Pathak, Resident of Village-
Vishnupur Chaturbhuj, Ward No. 17, Police Station- Mufassil, District -
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Department
Revenue and Land Reforms, Government of Bihar.
2. The Additional Chief Secretary, Department Revenue and Land Reforms,
Government of Bihar.
3. The District Magistrate, Begusarai.
4. The Additional Collector, Begusarai.
5. The Deputy Collector Land Reforms, Begusarai.
6. The Circle Officer, Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeet Kumar, Advocate Mr. Ujjawal Bhushan, Advocate Mr. Aditya Dev, Advocate Mr. Pranav Ranjan, Advocate
For the Opposite Party/s	:	Mr. Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 18-06-2026

Heard learned counsel for the petitioner and learned
counsel for the opposite parties.

2. The instant application has been filed praying for
review of the judgment dated 22.2.2023 passed in CWJC
no.4044 of 2020 whereby the writ application filed by the
petitioner was dismissed.

3. The case of the petitioner in brief is that having



retired from the Indian Army, the petitioner filed an application for grant of land for residential purpose which was illegally turned down by the Circle Officer, Begusarai by his order dated 20.3.2018.

4. Learned counsel for the petitioner referring to the circular dated 16.8.1982 (Annexure-A to counter affidavit in the writ application) submits that the application of the petitioner was rejected mainly on two grounds i.e., (i) the land in question is not in a rural area and; (ii) the petitioner is not a landless person.

5. Learned counsel for the petitioner submits that so far as land not falling in the rural area is concerned, while the application of the petitioner was filed on 10.9.1996, the area in question which falls under Thana no.396, village-Vishunpur, Chaturbhuj in Gram Panchayat-Paspura in the District of Begusarai seized to be a rural area only with the gazette notification on 18.5.2009. Learned counsel further submits that with respect to the petitioner not being a landless person, the Circle Officer clearly erred in holding the same which would be evident from the definition of a landless person as per the Government Circular brought on record as Annexure P/14 to the writ application, which would show that



the person having less than 50 decimal of land is defined to be a landless person.

6. It is thus submitted that the Circle Officer having erred in rejecting the application filed by the petitioner and the said order having been affirmed by the order dated 22.2.2023 passed in CWJC no.4044 of 2020, as such the application for review.

7. The application is opposed by learned counsel for the opposite parties. It is submitted by learned counsel for the opposite parties that no review would be maintainable in the instant case. There is no error apparent on the face of the record of the order dated 22.2.2023. Even accepting the contention made on behalf of the petitioner that the errors were committed by the Circle Officer, Begusarai as also by this Court, the only remedy available with the petitioner is to file an appeal against the said order challenging the same.

8. Heard learned counsel for the petitioner and learned counsel for the opposite parties. Perused the material on record.

9. The petitioner by way of the instant review application seeks review of the judgment dated 22.2.2023 passed in CWJC no.4044 of 2020, the relevant portion of



which is quoted herein below for ready reference :

“Having heard learned counsel for the parties and taking into consideration the material on record, on perusal of the order impugned dated 20.3.2018 (Annexure-P/2), it transpires that the Circle Officer, Begusarai has rejected the recommendation made for settlement of the land in question in favour of the petitioner on two grounds namely that the land in question is not in a rural area and that the petitioner is not a landless person.

The Court finds no illegality in the order impugned dated 20.3.2018 (Annexure-P/2). There being no merit in the instant application, the same is dismissed.”

10. As stated above, the petitioner is seeking review of the order dated 22.2.2023 on mainly two grounds;

(i) Firstly, on the ground that the land in question clearly fell in a rural area as the same seized to be a rural area only with the Gazette notification on 18.5.2009. Thus on the date of the petitioner’s application i.e., 10.9.1996, the land in question fell in a rural area.

(ii) Secondly, as per Government Circular dated 16.8.1982 (Annexure-P/14 to the review application), a person having less than 50 decimal of land, as per definition was a landless person. Further, it was the categorical assertion of the



petitioner in paragraph no.31 of the review application and not disputed by the opposite parties that the petitioner has less than 50 decimal of land including the residential land.

11. Even on perusal of the contents of the writ application, it transpires that the letter dated 16.8.1982 was on record as Annexure-P/14 in the writ application. Further there was categorical assertion on behalf of the petitioner in paragraph nos. 28 and 30 of the writ application that he come within the definition of landless person as he possesses less than 50 decimal including the residential land and he fulfills all the criteria for grant of land in question.

12. In view of the facts and circumstances of the case, in the opinion of the Court, there is an error apparent on the face of the record in the judgment dated 22.2.2023 passed in CWJC no.4044 of 2020 and the petitioner has made out a case for review of the said judgment.

13. Accordingly, the judgment dated 22.2.2023 passed in CWJC no.4044 of 2020 is hereby reviewed and the prayer made in the writ application is allowed.

14. Consequently, the order dated 4.7.2018 (Annexure P/1 to the writ application) issued under the signature of the Collector, Begusarai is hereby set aside.



15. The review application stands allowed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.06.2026
Transmission Date	

