

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.46 of 2026

In
Civil Writ Jurisdiction Case No.17933 of 2025

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1. The Chairman -cum- Managing Director, Bihar State Power Holding Company Limited 1st Floor, Vidyut Bhawan Bailey Road, Patna through its Chairman.
 2. The Electrical Executive Engineer Amarpur, District- Banka.

... .. Petitioner/s

Versus

1. Dashrath Prasad Singh Son of Late Bishesar Mandal @ Late Visheshwar Prasad Singh, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.
2. Subhit Prasad Singh @ Sumit Prasad Singh, Son of Late Bishesar Mandal @ Late Visheshwar Prasad Singh, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.
3. Upendra Prasad Singh, Son of Late Bishesar Mandal @ Late Visheshwar Prasad Singh, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.
4. Pankaj Kumar Singh, S/o Late Chunchun Prasad Singh and grand son of Late Bishesar Mandal, Resident of Village- Garhi/Kadwara, P.S.- Belhar, District- Banka.
5. The Secretary, Energy Department, Government of Bihar, Patna.
6. The District Magistrate, Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Prasad, Adv.

For the Opposite Party/s : Mr.Rabindra Kumar,Adv.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 21-08-2026 Heard the parties.

2. The instant review application has been filed by the petitioners for reviewing the order dated 18.11.2025 passed in CWJC No. 17933 of 2025.

3. The petitioners are aggrieved with the 5th paragraph of the said order which runs as follows:-



“5. It is expected from the Electricity Department that it shall not start further construction work over the petitioners’ raiyati land without acquiring it.”

4. It is submitted by learned counsel for the petitioners that a 33 KVA power sub-station is proposed to be constructed on the land in question and that the petitioners in CWJC No. 17933 of 2025 had preferred the writ application under Article 226 of the Constitution of India, claiming the land in question to be their *raiya* land and raising a grievance that the Electricity Department was going to construct the power sub-station without acquiring the said land. Learned counsel further submits that, when the order dated 18.11.2025 was passed, the Electricity Department could not file its reply to the statements made by the petitioners in CWJC No. 17933 of 2025. Therefore, the actual position regarding the title over the land in question did not come before this Court, although some relevant materials, such as the report of the Circle Officer, were available before the Court. By the order dated 18.11.2025, this Court directed the petitioners in the writ petition to file their representation before respondent nos. 1, 2 and 3, and the petitioners in the review application have no grievance with regard to the said direction. However, in the last paragraph of the order, it was mentioned that the Electricity Department shall not start construction work over the *raiya* land of the petitioners without acquiring the same. This gives



an impression that the title of the petitioners over the land in question has been declared by this Court. Therefore, to this extent, the order dated 18.11.2025 is required to be reviewed.

5. On the other hand, learned counsel for opposite party nos. 1 to 4 submits that the land in question is under the title of opposite party nos. 1 to 3, as the same was purchased by the grandfather of opposite party no. 4 by way of a sale deed dated 06.09.1965. Since the date of purchase, opposite party nos. 1 to 4 have been in possession of the land in question. He further submits that, as the grandfather of opposite party nos. 1 to 3 was a rustic person, he could not get the land in question mutated in his name. However, after his death, opposite party nos. 1 to 4 have continued to remain in possession of the land in question since 06.09.1965, without any dispute. It is further submitted that the said opposite parties have also acquired right and title over the land in question by way of adverse possession. Therefore, there is no need to review the said paragraph of the order dated 18.11.2025, as the same is completely correct.

6. Considering the submissions made above and taking note of all the circumstances appearing from the record, paragraph 5 of the order dated 18.11.2025 is hereby clarified to the effect that no inference regarding the title or possession of either of the parties



over the land in question shall be drawn by either party from the direction contained in the said paragraph. If there is any dispute with regard to the title or possession of the land in question between the parties, they should approach the concerned civil court of competent jurisdiction for adjudication of the same. The direction contained in the said paragraph shall be understood to mean that the Electricity Department shall commence or proceed with further construction work on the land in question after acquiring the same as per prescribed procedure and according to law if there is no bonafide dispute regarding the title over the land in question. In the event of such a dispute, the Electricity Department should avail an appropriate remedy before the competent civil court. The same remedy will also be available to the opposite parties. To this extent, the order dated 18.11.2025 passed in CWJC No. 17933 of 2025 stands modified.

7. The instant review petition stands disposed of.

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(Shailendra Singh, J)

