

ITEM NO.15

COURT NO.4

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 24029/2018

(Arising out of impugned final judgment and order dated 23-03-2018 in CR No. 486/2017 21-10-2014 in LPA No. 30/2014 passed by the High Court Of Judicature At Patna)

NAND KISHORE CHAUDHARY

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

(IA No.114769/2018-CONDONATION OF DELAY IN FILING and IA No.114773/2018-EXEMPTION FROM FILING O.T. and IA No.114772/2018-CONDONATION OF DELAY IN REFILING)

Date : 27-08-2018 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Neeraj Shekhar, AOR
Mr. Animesh Kumar, Adv.
Mr. Sumit Kumar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The petitioner sought appointment as a displaced person on account of flooding of Koshi river. The High Court rejected his petition on the ground that there was no evidence available on the fact that he was a displaced person.

The petitioner filed a Review Petition before the High Court inviting reference to the High Court to the orders dated 04.04.2012, 11.06.2012 and 06.08.2012, wherein it has been stated

that the petitioner is a displaced person. However, the Review Petition has been dismissed stating that no grounds were made out for review. The attempt on the Review Petition was to invite the reference of the High Court to some crucial materials which have not been considered in the main Judgment.

We have gone through the Review Petition and we find that the main ground taken in the Review Petition is non-consideration of the materials which are referred to above regarding his status as a displaced person.

In that view of the matter, we set aside the order dated 23.03.2018 passed by the High Court in Civil Review No. 486 of 2017 and remit the matter to the High Court with a request to consider the Review Petition on merits.

In view of the above, these Special Leave Petitions are disposed of.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR