

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.367 of 1995

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Shyam Narayan Tiwary son of late Raja Ram Tiwary, resident of village – Rampur
Nandua, Police Station – Ghoshi, District Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Member, Board of Revenue, Bihar
3. The Collector, Jehanabad
4. The Sub-Divisional Officer, Jehanabad
5. Shriv Pujan Singh, son of late Sajan Singh, resident of village Rampur Nandua,
P.S. Ghoshi, District – Jehanabad
6. Ashamani Devi, wife of Shri Ramanuj Sharma, resident of village Barama,
Police Station Kako, District Jehanabad
7. Dev Narayan Tiwary, son of late Raja Ram Tiwary resident of village Rampur
Nandua, P.S. Ghoshi and District Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha, Advocate
For the State : Mr. Din Bandhu Singh, G.P.-9
Mr. Satyeshwar Prasad, AC to GP-9

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 09-07-2015

Counsel for the petitioner is present. He states that the
matter be adjourned by four weeks as he has not received full
instruction from his client so far.

2. The writ petition was filed on 13.01.1995 and admitted
for hearing under order dated 15.09.1995. In the circumstances, I am
not inclined to further adjourn the matter as on the last occasion i.e.
02.07.2015 none appeared for the petitioner and appreciating such
fact, matter was passed over for the day.

3. Pre-emptor is the petitioner. He has filed this writ

petition assailing the resolution of the Additional Member, Board of Revenue dated 10.12.1994, Annexure-6 whereunder the orders dated 24.06.1992 and 13.6.1994, Annexures-4, 5 passed by the Sub-Divisional Officer and Collector, Jehanabad granting pre-emption have been set aside holding that the purchaser having purchased 15 decimals of land, made gift to the extent of 5 decimals of land to his daughter, who not only came in possession of the land but also mutated, in the circumstances, claim for pre-emption for 15 decimals of land was not maintainable. In this connection, learned Additional Member, Board of Revenue has recorded his reasonings in paragraph 8 of the impugned resolution.

4. I am satisfied that the impugned resolution dated 10.12.1994, Annexure-6 passed by the Additional Member, Board of Revenue is in accordance with law and there is no illegality in the same. The writ petition is, accordingly, dismissed.

(V.N. Sinha, J.)

Arjun/-

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