

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2710 of 1995

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SHYAM KISHORE YADAV @ ABINAS KUMAR ARVIND, SON OF JAI NARAIN YADAV, RESIDENT OF VILLAGE SIKRAHATI POLICE STATION KUMARKHAND, DISTRICT MADHEPURA Petitioner

Versus

1. THE ADDL.MEMBER, BOARD OF REVENUE, BIHAR, PATNA
 2. THE COLLECTOR, MADHEPURA
 3. LAND REFORMS DEPUTY COLLECSTOR, MADHEPURA
 4. MANOJ KUMAR JHA, MINOR SON OF HARI KRISHNA JHA UNDER THE GUARDIANSHIP OF HIS FATHER HARI KRISHNA JHA
 5. HARI KRISHNA JHA, SON OF MANMOHAN JHA, RESPONDENTS 4 AND 5 BOTH RESIDENT OF VILLAGE KUARKHAND, POLICE STATION KUMARKHAND DISTRICT MADHEPURA
 6. MAHABIR JHA, SON OF LATE NAV KANT JHA, RESIDENT OF VILLAGE KUMARKHAND, POLICE STATION KUMARKHAND, DISTRICT MADHEPURA
 7. NAND KISHORE YADAV SON OF JAI NARAIN YADAV, RESIDENT OF VILLAGE SIKRAHATI POLICE STATION KUMARKHAND DISTRICT MADHEPURA Respondents
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Appearance :

For the Petitioner : Mr. Lala Sachindra Kumar, Advocate
Mr. Ashok Kumar Sinha 2, Advocate

For the Respondents : Mr. Uday Chand Pd., Advocate
Mr. Nirmal Kr., Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 16-04-2015 The petitioner filed a preemption application against sale deed executed by respondent no.6 in favour of respondent no.4, minor son of respondent no.5. Respondent no.7 is own brother of the petitioner. During the pendency of the preemption application, respondent no.6 cancelled the sale deed executed in favour of respondent no.4 and executed the sale deed in favour of his brother-in-law who is not a party in this writ petition.

Learned counsel for the petitioner submits that the subsequent sale deed in favour of his brother-in-law by

respondent no.6 was a sham transaction only to defeat the preemption application.

The petitioner submits that once respondent no.6 has executed the sale deed of respondents no.4, he ceases to have any right over it. As such, he could not have executed the subsequent sale deed with respect to the same land in favour of respondents no.4. He submits that the subsequent sale was made during the pendency of the preemption application and as such it was hit by principle of lis-pendence and thus it was not necessary to make respondents no.4 party before official respondent.

In the facts and circumstances of the case, the matter is remitted to the Addl. Member, Board of Revenue, Bihar/appropriate authority to reconsider the matter so as to dispose of the same preferably within six months after giving notice to relevant parties.

Shashi.

(Samarendra Pratap Singh, J)

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