

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1199 of 1996

IN

Civil Writ Jurisdiction Case No. 4190 of 85

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1. Janardan Thakur, Son of Late Harihar Thakur, Resident of Village Rasulpur Gangti, Police Station Goraul, District - Vaishali
 2. Shiv Chandra Thakur, Son of Late Harihar Thakur, Resident of Village Rasulpur Gangti, Police Station Goraul, District - Vaishali
 3. Sheela Devi, Wife of Shri Kishori Thakur, Resident of Village Rasulpur Gangti, Police Station Goraul, District - Vaishali
 4. Darbesari Devi Wife of Late Harihar Thakur, Resident of Village Rasulpur Gangti, Police Station Goraul, District - Vaishali

.... Appellant/s

Versus

1. The State of Bihar
2. The Land Reforms Deputy Collector, Vaishali at Hajipur
3. The Additional Collector, Vaishali at Hajipur
4. The Additional Members Board of Revenue, Patna
5. (a) Khurshid Akram
(b) Murshid Akram
(c) Majtahid Akram
(d)Mustafiq Akram
(e) Mehru Nisha
(f) Sehrun Nisha
(g) Samsul Nisha
(h) Sadru Nisha
(i) Badru Nisha
(j) Ajrun Nisha, all sons and daughters of Late Mohammad Tashlim
6. Mohammad Monijul Haque
7. Abdul Hashid
8. Mohammad Moeed
9. Mohammad Mohin
10. Mohammad Hassan
11. Mohammad Shamshad
12. Mohammad Yashin, respondents 6 to 12 are sons of Late Abdul Hakim, all 5 (a) to 12 residents of Village Hassanpur Gangti, P.S. Goraul, District Vaishali
14. Sarjug Thakur, Son of Lalit Thakur, Resident of Village Rasulpur Gangti, Police Station Goraul, District - Vaishali

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. B.P. Pandey, Sr. Advocate
Mr. Suresh Chandra Giri, Advocate

For Respondent Nos. 5 to 12 : Mr. G.K. Jha, Advocate
Mr. Sushil Kumar Jha, Advocate
Mr. Suryakant Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE V.N. SINHA)
Date: 17-03-2015

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Appellant has filed reply to the counter affidavit,
which is taken on record.

2. Heard learned counsel for the appellant and the
respondent.

3. Appellant is the vendor. By filing this appeal he is
questioning the order of the learned Single Judge of this Court dated
23.05.1996, passed in C.W.J.C. No. 4190 of 1985 whereunder the said
writ petition, arising out of preemption matter, has been dismissed
holding that the Courts below have consistently recorded concurrent
findings of fact to the effect that the writ petitioner-vendee is not a
boundary tenant of the lands purchased by him. In that view of the
findings the claim of preemption has not only been allowed by the
revenue Courts but also affirmed by the writ Court under the
judgment impugned. In Paragraph 6 of the impugned judgment,
learned Single Judge has also observed that it is difficult for him to
reappraise the evidence at the stage of writ proceedings. Matter
having been concluded in favour of pre-emptor by three Revenue
Courts as also the writ Court, we are not inclined to even entertain the
submission of the appellant that in view of the orders impugned he

will become a landless, as such fact was never pleaded right from the beginning before the Revenue Courts as also before the writ Court. The appeal is dismissed.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

Rajesh/-

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