

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3497 of 2010**

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Anita Singh , wife of Shri Dhananjay Singh, D/O Sri Deobansh Singh,  
Resident of Village-Sherpur, P.S- Akorhigola, District-Rohtas, at present  
resident of village-Madhurampur ,P.S- Akhorhigola, District-Rohtas

.... .... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Patna Division, Patna
3. The Additional Collector Rohtas at Sasaram
4. The Deputy Collector Land Reforms, Dehri , District-Rohtas.
5. (i)Umrawati Devi D/O Late Ram Lakhan Singh, wife of Rameshwar Singh, resident of village and Post- Chachari, P.S. Barun, District-Aurangabad
- (ii) Pratima Devi, D/O Late Ram Lakhan Singh, wife, of Arun Singh, resident of village and post Dhanaw, P.S. Nasriganj, District- Rohtas
- (iii) Uttamrajo Devi, D/O Late Ram Lakhan Singh, wife of Sanjay Singh, resident of village- Daharur, P.O. Dehri, P.S. Dehri, District-Rohtas
6. Suryanath Singh S/O Ram Lakhan Singh
7. Baban Singh S/O Ram Lakhan Ram
- all residents of Village-Madhurampur,P.S- Akhorhigola,District-Rohtas.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar  
Mr. Surendra Kr.Choubey

For the Respondent/s : Mr. AC to GP-2  
Mr. Makardhwaj Upadhyay  
Mr. Surendra Kumar Mishra  
Mr. Sujeet Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

7      10-07-2015                      Heard learned counsel for the petitioner, learned AC to  
GP-2 as well as learned counsel for the private Respondents.

The petitioner (purchaser), who is daughter of the  
vendor, has approached this Court assailing the orders passed by  
three courts i.e. order dated 10.03.2004 passed by the D.C.L.R. in



Pre-emption Case no.3/03-04, order dated 08.04.2005 passed in Appeal Case no.13/04-05/12/2004 as well as order dated 19.09.2009 passed by the Commissioner, Patna Division, Patna in Revision Case no.397/07. It has been claimed by the petitioner that her father transferred the land in question, measuring an area of 15 ½ decimals of land through a sale deed. After filing of the case, her uncle and cousin brothers claimed pre-emption over the land in question, which was allowed. Even before the appellate court, the order of the D.C.L.R. was affirmed. However, due to reason beyond the control of the petitioner, she approached the Revisional Court belatedly and a revision was filed before the Commissioner, Patna Division, giving reason for delay in filing the revision. However, the Commissioner has rejected the revision only on the ground of limitation.

Without going into the merit of the case, the Court considers that for just decision in the matter, this case can be remitted back to the learned Commissioner, Patna Division, Patna, so that he may examine the revision on merit and decide the same.

Accordingly, the order of the learned Commissioner Patna Division, Patna dated 19.09.2009 passed in Revision Case no.397/ 07 is hereby set aside and the matter is remitted back to the learned Commissioner, Patna Division, Patna to examine the

matter and decide the same on merit.

With above observation and direction, the writ petition  
stands disposed of

NKS/-

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**(Rakesh Kumar, J)**

