

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.227 of 2015**

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Sitablal Yadav, son of Late Nakchhedi Prasad Yadav, resident of village-  
Chikni Fulkaha, P.S. Gamharia, District-Madhepura

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Collector, Madhepura
3. Deputy Collector, Land Revenue, Madhepura
4. Ramotar Yadav, son of Satya Nr. Yadav, resident of village-Chikni  
Fulkaha, P.S. Gamhariya, District-Madhepura
5. Smt. Ghana Devi wife of Sri Sant Lal Yadav
6. Smt. Mako Devi wife of Sri Ram Chandra Yadav  
Both are resident of village-Chitti Chiknotwa, P.S. Ghailarh,  
District-Madhepura

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate  
For the Respondent/s : Mr. Manikant Mishra, Advocate

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

3      27-07-2015                      Counsel for the parties are present.

The petitioner has questioned the proceedings arising from Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as 'the act') whereby the prayer for preemption made by the petitioner has been rejected in appeal.

Facts briefly stated is that whereas the preemption application of the petitioner was allowed by the Deputy Collector Land Reforms, the purchaser went in appeal and which was allowed by the Collector-cum-District Magistrate, Madhepura when the appeal of the purchaser bearing Appeal No. 14 of 2012

was allowed vide order passed on 15.7.2014 / 26.8.2014.

Vide notification issued on 04.5.2006, an appellate order passed by the Collector / Additional Collector is revisable by the Commissioner of the Division under Section 32 of 'the act'. The provisions of Bihar Land Tribunal Act, 2009 further provides a remedy to the aggrieved party against a final order passed in the preemption matter. The petitioner thus has alternative remedy available to him and he can take recourse to the same.

The writ petition is disposed of accordingly.

It goes without saying that any such revision being filed by the petitioner within four weeks from today before the revisional authority, if accompanied with a petition for condonation of delay, would be considered and disposed of in accordance with law by the Revisional Authority bearing in mind the pendency of the issue before this Court.

**(Jyoti Saran, J)**

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