

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9768 of 2008

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Basudeo Bhagat son of late Sukki Bhagat, resident of village Dhamdaha,
Tola Dhokwa, P.S. Dhamdaha, District Purnia.

.... Petitioner/s

Versus

1. The State of Bihar
 2. The Commissioner, Purnia Division, Purnia.
 3. The Additional Collector, Land Ceiling at Purnia.
 4. The Deputy Collector, Land Reforms at Dhamdaha within the district of Purnia.
 5. Shri Raj Kapoor Bhagat son of Late Natho Bhagat.
 6. Shri Gopal Bhagat son of Shri Mahendra Sah.
 7. Shri Manoj Bhagat son of Shri Mahendra Sah
- No. 5 to 7 residents of village- Dhamdaha Tola Dhokwa, P.S.
Dhamdaha, District Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Prasad Ambastha
For the Respondent/s : Mr. AC to GP 10
Mr. Kamal Kishore Jha
Mr. Diwakar Sinha
M/s. Raina Kumari

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

8 07-08-2015 Heard the parties.

The matter at issue is the orders passed by the competent authorities in a pre-emption proceeding under Section 16(3) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

The claim of pre-emption of Raj Kapoor Bhagat (Respondent No.5) was allowed by the respondent D.C.L.R., Dhamdaha by order dated 21.12.2002/ 23.12.2002 (Annexure-4). The appeal preferred by the petitioner against the original order was dismissed by the appellate authority by order dated 25.06.2007 (Annexure-5) and the order passed by the respondent D.C.L.R. was affirmed by a reasoned and speaking order. The

revisional authority has dismissed the revision filed by the petitioner by the impugned revisional order dated 24.10.2007 (Annexure-6). Admittedly, the petitioner has lost the case from all the three authorities. There are concurrent finding of facts recorded by the authorities accepting the claim of pre-emption raised on behalf of the respondent no.5 with respect to lands in question.

In above view of the matter, this Court does not find any good ground to interfere with the impugned orders as contained in Annexure 4 to 6. Consequently, the writ petition has to fail and is, accordingly, dismissed.

The order of stay passed by a Bench of this Court on 30.04.2009 stands vacated.

(Birendra Prasad Verma, J)

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