

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2712 of 2015

=====

1. Smt. Jirwaso Devi wife of Sri Sipahi Chauhan resident of Village -
Girdharchak, Chandi, P.S. - Chandi (Wena), District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Revenue and Land Reforms
Government of Bihar, Patna.
2. Member, Board of Revenue, Old Secretariate, Patna.
3. Addl. Member, Board of Revenue, Old Secretariate, Patna.
4. Additional Collector, Land Reforms, Nalanda, Bihar.
5. Deputy Collector, Land Reforms, Hilsa, District Nalanda.
6. Smt. Sita Devi wife of Sri Shiv Kumar Singh resident of village -
Kharuana, P.S. - Harnaut (Chero), District Nalanda.
7. Chhote Singh son of late Ram Lakhan Prasad Singh resident of village
Sartha, P.S. - Chandi, District - Nalanda.
8. Ram Swarup Chauhan son of Sri Chauthi Chauhan Resident of Villae -
Giridharchak, Chandi, P.S. - Chandi (Wena), District - Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mahasweta Chatterjee

For the Respondent/s : Mr. GA12- AJAY

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 13-02-2015

Heard Mrs. Chatterjee for the petitioner and Mr. Ajay,

G.A. 12 for the State.

The preemptor before this Court filed the revision application before the Member, Board of Revenue, Patna in Land Ceiling Revision Case No. 02/2012. The revision application was rejected as Board of Revenue found no justification for condoning the delay.

The subject land measuring an area of 4 decimals was vended in favour of the purchaser (respondent no. 8) by the



respondent nos. 6 and 7. The petitioner claiming herself to be the adjoining raiyat and the purchaser not being the co-sharer or adjoining raiyat thereof filed a claim for preemption which was considered and dismissed by the Deputy Collector, Land Reforms on 27.06.2008 (Annexure-3). An appeal was taken thereagainst which also was considered and dismissed by the Additional Collector on 09.01.2012. Aggrieved thereby, the petitioner filed a revision application under Section 32 of the Bihar Land Ceiling Act (for short “the Act”) before the Member, Board of Revenue and sought condonation of delay. The Member, Board of Revenue has rejected the said condonation application and thereby the revision application. Section 32 of the Act has since been amended in 2010 whereby the revisional jurisdiction has been vested in the Divisional Commissioner, the revision application itself was not maintainable before the Board of Revenue.

In that view of the matter, the legality of the order under challenge is not gone into by this Court.

Let the petitioner file a revision application, if so advised, , before the appropriate/competent Authority under the Act and seek condonation of delay on the ground that she has been pursuing her remedy bona fidely before the Board of Revenue and thereafter before this Court. If any such application is filed within four weeks and delay

is sought to be condoned, I am sure the Revisional Authority will consider the same on its own merit and dispose of the same in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

Pankaj/-

U			
---	--	--	--