

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15342 of 2010

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1. Md.Mohsim @ Md.Mosim , son of Late Md. Yaqub
2. Bibi Mohshina Khatoon @ Mashina Khatoon, wife of Md. Mohsim
Both residents of village- Manikauli, Tola Agyaspur, P.S.
Anchal Singhwara, District- Darbhanga - Applicants, appellant-
..... Petitioners

Versus

1. The State of Bihar through the Collector, Darbhanga
2. The Deputy Collector Land Reforms, Darbhanga
3. The Commissioner, Darbhanga Division, Darbhanga
4. Md. Zubair Rain, son of Late Abdul Razzaque Rain
5. Md. Obaid Rain, son of Late Md. Rahman Rain
Respondent nos.2 and 3 are residents of village- Manikauli, Tola
Agyaspur, P.O. Tehwara, P.S. Anchal Singhwara, District- Darbhanga
----- Opp.Party 1st –Respondent/ Respondents 1st Set
6. Chandar Pandit, son of Late Thithar Pandit
7. Prabhu Pandit, son of Late Thithar Pandit,
both residents of village- Manikauli, Tola Agyaspur, P.O.
Tehwara, P.S. and Anchal Singhwara, District- Darbhanga

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore
For the Respondent/s : Mr. AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

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6 19-05-2015 Heard Sri Bishwanath Prasad Singh, learned Senior

Counsel, who was assisted by Sri Yugal Kishore, learned counsel
for the petitioners, learned AC to GP-22 as well as Mr.Iqbal Asif
Neyazi , learned counsel, who appeared on behalf of Respondent
nos. 4 and 5/ purchasers.

The petitioners claiming right of pre-emption over the
land in question had filed a petition under Section 16(3) of the
Bihar Land Reforms (Fixation of Ceiling and Acquisition of



Surplus Land) Act. It was claimed that the petitioners purchased the land from the vendor, from whom private Respondent nos. 4 and 5 had also purchased land. It was claimed that the petitioners after purchasing land had become adjoining raiyat and on this ground, a prayer was made for allowing the petition of pre-emption, which was filed by the petitioners. The same was rejected by the D.C.L.R., Darbhanga. Petitioners aggrieved with the order of the D.C.L.R. approached the appellate authority vide Appeal No.18 of 2006-07, which was rejected by the learned Collector vide its order dated 19.12.2006. The order of the appellate authority has also been approved by the revisional court.

Learned Senior Counsel appearing on behalf of the petitioners tried to persuade this Court that the petitioners by way of purchasing the land in question had become adjoining raiyat and, as such, they were entitled to get the land reconveyed.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. Fact remains that the order of the D.C.L.R. was passed assigning detailed reason, which has been approved by both the courts i.e. by the appellate court as well as revisional court. In view of concurrent finding on the question of fact by the courts below, it would not be appropriate for this Court to pass any positive order in favour of

the petitioners, while exercising power of judicial review.

I do not find any ground for interfering with the matter.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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