

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.406 of 2011

IN

Civil Writ Jurisdiction Case No. 19469 of 2010

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Rati Kant Jha, Son of Late Vishnu Kant Jha, Resident of Village Sripur Mouan,
P.O. Bangra, P.S. Singhia, District Samastipur

.... Petitioner-Appellant

Versus

1. The State of Bihar
2. The Commissioner, Darbhanga
3. The Additional Collector, Samastipur
4. The Deputy Collector, Land Reforms (D.C.L.R.), Rosera, Samastipur
5. The Circle Officer, Singhia, Samastipur
6. Manju Choudharain Wife of Achcha Choudhary, Resident of Village Sripur Mouan, P.O. Bangrahatta, P.S. Singhia, District Samastipur
7. Arun Kumar Singh Son Of Indra Narayan Singh Resident Of Village Sripur Mouan, P.O. Bangrahatta, P.S. Singhia, District Samastipur
8. Achcha Choudhary Husband Of Manju Choudharain Resident Of Village Sripur Mouan, P.O. Bangrahatta, P.S. Singhia, District Samastipur

.... Respondents-Respondents

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Verma No.1, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 15-05-2015

Heard learned counsel for the appellant.

2. Pre-emptor is the appellant. He has filed this writ appeal arising out of the order dated 03.12.2010 passed in CWJC No. 19469 of 2010 whereunder writ petition assailing the order of the D.C.L.R., Additional Collector and the Commissioner of the Division refusing his claim for pre-emption has been dismissed holding that the

Revenue Courts concurrently found that purchaser-Respondent no.6 purchased the lands in question by two sale deeds and thereby she was herself in the boundary of the vended property. Revisional Court also found that she was landless.

3. It is submitted on behalf of the appellant that the observation of the learned Single Judge that Revenue Authorities have concurrently found in favour of the vendee-Respondent no.6 is not correct as Revisional Authority i.e. Divisional Commissioner dismissed the revision filed by the pre-emptor holding that purchaser was a landless person, but while doing so, the Revisional Authority did not consider the property details of the family of Respondent no.6 furnished by the pre-emptor. It is also submitted that while holding the vendor to be landless, the Revisional Court set aside other findings recorded by the D.C.L.R. and the Additional Collector.

4. Learned Divisional Commissioner while considering the revision application of the pre-emptor may have recorded his own findings other than the findings recorded by the Original and the Appellate Court, but nonetheless he agreed that pre-emptor had no case and that is how learned Single Judge has concluded that the case of the pre-emptor is concluded against him by the concurrent finding recorded by the court below.

5. Having perused the order of the learned Single Judge,

we are of the view that taking note of the entire factual aspect of the matter findings recorded by the Revenue Authorities have been affirmed and that is how in this Letters Patent Appeal, we are not required to further dilate those findings.

6. The appeal is, accordingly, dismissed.

(V.N. Sinha, J.)

(Nilu Agrawal, J.)

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