

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13695 of 2002

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1. Nand Kishore Chaudhary,
 2. Brij Kishore Chaudhary, both sons of Ram Pati Chaudhary, resident of village Marbatpur, P.S. Obra, District Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Ramraj Chaudhary, son of Deonarayan Chaudhary, resident of village- Marbatpur, P.S. Obra, District Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. K. Griyaghey, Adv.

For the Respondent No.1 : Mr. M.K. Upadhyay, AC to G.P. 3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

9 21-10-2016

The matter in issue is the claim of pre-emption raised on behalf of the respondent no.2 with respect to vended lands, detailed in paragraph-4 of the writ petition.

The claim of pre-emption raised on behalf of the respondent no.2 was allowed by the respondent D.C.L.R., Aurangabad by the order dated 10.10.1995 passed in Land Ceiling Case No. 7 of 1995-96, as contained in Annexure-2 to the writ petition. The appeal preferred on behalf of the petitioners was dismissed by the appellate authority by the order dated 6.9.1996 passed in Appeal No. 53 of 1995, as contained in Annexure-3 to the writ petition. Thereafter, the matter was taken to the Board of Revenue by the petitioners, but the Board Case No. 268 of 1996 filed on their behalf has been dismissed by the impugned revisional order dated 7th August, 2002 passed by the respondent Member, Board of Revenue, Bihar, Patna, as contained in Annexure-4 to the writ petition.

In view of the facts, noticed above, it is apparent that by

recording concurrent findings of fact, the claim of pre-emption raised on behalf of the respondent no.2 has been allowed and the plea raised on behalf of the petitioners with respect to the lands in question has been rejected by the three statutory authorities.

The learned AC to G.P. 3 appearing on behalf of the respondent no.1 points out that even the vendor has not been impleaded as party respondent in the present writ petition and the writ petition suffers from non-joinder of necessary parties.

For the aforesaid reasons, this Court does not feel persuaded to interfere with the impugned revisional order passed by the respondent Member, Board of Revenue, Bihar, Patna. The writ petition is devoid of merits and is, accordingly, dismissed. However, there shall be no order as to costs.

(Birendra Prasad Verma, J)

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