

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4133 of 2006

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Md.Kamarudin, son of late Suleman Mian, resident of village-Apahar, P.S.-
Amnour, P.O.-Apahar, District-Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Additional Collector, Saran (Chapra).
4. The Deputy Collector, Land Reforms, Marhowrah, Saran.
5. Amantu Alah Ansari, son of late Pir Mohammad Anshari, resident of
village-Apahar, P.O.-Apahar, P.S.-Amnour, District-Saran.
6. Ganesh Sharma, son of late Gopalji Prasad, resident of village-Apahar,
P.O.-Apahar, P.S.-Amnour, District-Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Adv.
Mr. Sanjiv Kumar, Adv.

For the Respondent nos.1to4 : Mr. Kamlesh Kishore, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 28-01-2016 Heard the learned counsel for the petitioner and the
learned AC to GP-2 appearing on behalf of the respondent nos.1 to
4.

The present matter arises out of a proceeding under
Section 16(3) of The Bihar Land Reforms (Fixation of Ceiling
Area and Acquisition of Surplus Land) Act, 1961 (in short 'Land
Ceiling Act').

The petitioner is the pre-emptor with respect to the
vended plots, as detailed in paragraph 5 of the writ petition. The
respondent no.5 is the purchaser of the lands in question through
registered sale deed dated 17.06.1995 and the respondent no.6 is a
vendor of the plots in question.

By recording concurrent findings of facts all the three
authorities namely the original authority, the appellate authority
and the revisional authority have rejected the claim of pre-emption

raised on behalf of the petitioner, vide orders contained in Annexure-1, 2 and 4 respectively. Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but he has not been able to point out any procedural and legal infirmity in the orders impugned warranting interference by this Court save and except he has submitted that the petitioner is a boundary raiyat of the vended plots and the lands in question is agricultural in nature.

The learned AC to GP-2 appearing on behalf of the respondents, on the other hand, submitted that in course of enquiry conducted by the respondent D.C.L.R., it was found that the nature of the land has been changed and now it is a homestead land and, therefore, the claim of pre-emption has been rejected.

In above view of the matter, since by concurrent findings of facts recorded by all the three authorities the claim of pre-emption raised on behalf of the petitioner has been rejected with respect to the lands in question, this Court does not find any good ground to interfere with the impugned orders, as contained in Annexure-1, 2 and 4.

Consequently, the present writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

Arvind/-

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