

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.153 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 6257 of 2008

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Ram Kumar Singh son of late Ram Sewak Singh @ Sewak Singh resident of Village and P.O. Alawalpur, P.S. Gaurichak, District Patna.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Additional Member, Board of Revenue, Bihar, Patna
3. The Collector-cum-District Magistrate, Bihar, Patna.
4. The Deputy Collector, Land Reforms, Patna City, District Patna.
5. Sri Nageshwar Singh
6. Sri Brajraj Singh
- Both are sons of late Deo Bahadur Singh
7. Akhilesh Singh
8. Lalan Singh
9. Mithilesh Singh @ Pappu Singh.
- Sl. No. 7 to 9 are sons of Sri Brajraj Singh and all are resident of Village and P.O. Alawalpur, P.S. Gaurichak, District Patna.
10. Murari Lal Singh
11. Narayan Singh
- Both sons of late Eknath Singh
12. Yadu Bansh Singh son of late Ram Bilash Singh resident of Village and P.O. Alawalpur, P.S. Gaurichak, District Patna

.... Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 13-05-2016

The challenge in the present Letters Patent Appeal is to an order dated 13.08.2013 passed by the learned Single Bench whereby the writ application, challenging the orders passed by the authorities under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, was dismissed.

The appellant seeks to preempt the plot purchased by

respondents no. 5 to 9 from respondents no. 10 to 12. Such claim was rejected by the Deputy Collector Land Reforms on 28.07.1998 by recording a finding of fact that the land of the appellant is not adjoining land of the purchasers. In fact, the land of the purchasers is adjoining one side of the sold plot. Such order was affirmed by the District Collector on 04.05.2006 and by the Board of Revenue on 03.03.2008.

Learned counsel for the appellant contends that the respondents are claiming adjoining plot on the basis of exchange of land whereas the appellant is in possession of land as owner since 1937.

Even if the appellant is the owner of the adjoining plot in question that will not give their right to pre-empt sale as the purchaser is also owner of the adjoining plot in question. Therefore, the appellant will not have a right of preemption against the land purchased by a person who owns the adjoining land.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. It is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P.Kumar

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