

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2735 of 2006

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Kabita Devi wife of Sri Ashok Yadav, resident of village- Tulsipur, P.S. Kharik, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Additional Collector, Bhagalpur.
4. The Deputy Collector Land Reforms, Naugachhia, District- Bhagalpur
5. Sri Jai Prakash Mandal, son of late Narayan Mandal, resident of village Tulsipur, P.S. Kharik, District Bhagalpur.
6. Sri Sushil Kumar, son of Late Narayan Mandal, resident of village Tulsipur, P.S. Kharik, district Bhagalpur, at present residing at Banskola, Tikar, P.S. Taijhari, district Sahebganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
Mr. Ritesh Kr.Nr.Singh

For the Respondent No.1 to 4 : Mr. M.K. Upadhyay, AC to G.P. 10
For the Respondent No. 5 : Mr. Ram Bali Jha
Mr. Mritunjay Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 08-03-2016

The present writ petition 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. The petitioner is the purchaser of the vended plot whereas respondent no.5 is the pre-emptor and the respondent no. 6 happens to be the vendor.

The claim of pre-emption raised on behalf of the respondent no. 5 has been allowed by the original authority by order as contained in Annexure-1. The appeal preferred by the writ petitioner was dismissed by the order as contained in Annexure-2 by the prescribed appellate authority, which has been affirmed by the learned Additional Member, Board of Revenue by the

impugned revisional order dated 29.11.2005.

Indisputably, by recording a concurrent finding of facts the claim of pre-emption raised on behalf of the respondent no. 5 has been allowed. In above view of the matter, this Court does not find any good ground to interfere with the orders impugned. The writ petition is devoid of any merit and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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