

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16291 of 2015

=====

Radhika Devi Wife of Late Jethu Rai, Resident of Village - Bhagwanpur,
P.O. - Fatehpur Chain, P.S. - Awtar Nagar, District - Saran (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through its Commissioner, Saran Division, Saran at Chapra (Bihar).
2. The Additional Collector, Saran at Chapra.
3. The Deputy Collector, Land Reforms, Chapra.
4. Rajeshwar Rai Son of Late Anant Rai Resident of Village - Bhagwanpur, P.O. - Fatehpur, P.S. - Awatarnagar, District - Saran (Bihar).
5. Dharam Nath Singh Son of Late Gyani Singh, Resident of Village - Ramgadha, P.O. - Ramgadha, P.S. - Awatarnagar, District - Saran (Bihar).
6. Rameshwar Rai Son of Late Jethu Rai
7. Bhola Rai Son of Late Jethu Rai
8. Sachindra Rai Son of Late Jethu Rai
9. Akhilesh Rai Son of Late Jethu Rai Serial No. 6 to 9 are residents of Village - Bhagwanpur, P.O. - Fatehpur, P.S. - Awatar Nagar, District - Saran (Bihar).

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha
Mr. Manoj Kumar

For the Respondent/s : Mr. Rabindra Kumar Priyadarshi, SC-32
Mr. Kundan Kumar, AC to SC-32

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-01-2016 Heard the parties.

The petitioner is aggrieved by the order dated 11.08.2015 passed in B.L.T. Case No. 382 of 2014 by the learned Bihar Land Tribunal, Patna, as contained in Annexure-4, whereby the aforesaid case filed on behalf of the respondent no. 4 was allowed and the order passed by the revisional authority has been set aside and that of the original authority as also the appellate authority have been affirmed.

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.

The petitioner is the purchaser of the lands in question. The claim of pre-emption raised on behalf of the respondent no.4 was allowed by the original authority on the ground of being boundary raiyat. The appeal preferred on behalf of the petitioner against that order was dismissed by the appellate authority. The revision filed on behalf of the petitioner was allowed by the revisional authority i.e. the Commissioner, Saran Division, Chapra on the ground that the petitioner- purchaser is a landless person. By the impugned order, the learned Bihar Land Tribunal has reversed that order by recording a finding of fact that the petitioner is not a landless person, rather she purchased more than 7 bighas of land. Specific finding has been recorded in paragraph-6 of the impugned order.

Though, the learned counsel appearing on behalf of the petitioner has argued the matter at some length, but he has not been able to dislodge the finding recorded by the learned Bihar Land Tribunal, Patna. No other legal infirmity has been pointed out by the learned counsel appearing on behalf of the petitioner with respect to the order impugned.

In above view of the matter, this Court does not feel persuaded to interfere with the impugned order passed by the learned Bihar Land Tribunal, Patna. The writ petition is devoid of any merit and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

BTiwary/-

U			
---	--	--	--