

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22886 of 2013

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Vijay Kant Jha, Son Of Late Mohan Lal Jha, Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani

.... Petitioner/s

Versus

1. Rudradeo Jha Son Of Late Bishundeo Jha Resident Of Village + Post - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
2. Ugradeo Jha Son Of Late Bishundeo Jha Resident Of Village + Post - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
3. Trilochan Jha Son Of Late Bishundeo Jha Resident Of Village + Post - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
4. Barundeo Jha Son Of Late Bishundeo Jha Resident Of Village + Post - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
5. Indradeo Jha Son Of Late Bishundeo Jha Resident Of Village + Post - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
6. Sheodeo Jha Son Of Late Bishundeo Jha Resident Of Village + Post - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
7. Smt. Veena Devi Wife Of Shree Rudranand Jha @ Mahanth Jee Resident Of Village + Post - Khojpur Via Babu Barhi, District - Madhubani
8. Madnanand Jha Son Of Late Amar Nath Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
9. Ashok Nath Jha Son Of Late Amar Nath Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
10. Anil Nath Jha Son Of Late Amar Nath Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
11. Ajay Kumar Jha Son Of Late Mohan Lal Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
12. Sanjay Kumar Jha Son Of Late Mohan Lal Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
13. Suman Kumar Jha Son Of Late Mohan Lal Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
14. Sarwan Kumar Jha Son Of Late Mohan Lal Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
15. Mossomat Bachchi Devi Wife Of Late Uday Kant Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani
16. Smt. Medha Mishra Daughter Of Late Mohan Lal Jha Resident Of Village - Andhra Tharhi, Police Station - Andhra Tharhi, District - Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kripa Nand Jha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 04-01-2016

Heard the learned counsel for the petitioner.

The petitioner is aggrieved by the order dated 15.07.2013 passed in B.L.T. Case No.455 of 2013 by the learned Bihar Land Tribunal, Patna, whereby the aforesaid case filed on behalf of the petitioner has been rejected and the orders passed by the authorities concerned 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 (in short 'Land Ceiling Act').

The learned counsel appearing on behalf of the petitioner submits that the petitioner is a pre-emptor of the vended plots, and though he is the boundary raiyat with respect to the vended plots, but all the statutory authorities under the Land Ceiling Act as also the learned Bihar Land Tribunal, Patna, without considering the scheme and scope of Section 16(3) of the Land Ceiling Act have rejected the claim of pre-emption of the petitioner. According to him, the orders passed by the authorities concerned as also the learned Bihar Land Tribunal, Patna are not sustainable in law.

In the present case, neither the State of Bihar nor the authorities, who passed the orders under the Land Ceiling Act with respect to the claim of pre-emption raised on behalf of the petitioner, have been impleaded as party respondents; therefore, the present writ petition suffers from non-joinder of the necessary parties and can be dismissed on that ground alone. Furthermore, the claim of pre-emption raised on behalf of the petitioner has been rejected by all the three statutory authorities namely the original authority, the appellate authority as also the revisional

authority by recording concurrent findings of facts, which have been affirmed by the learned Bihar Land Tribunal, Patna by the impugned order dated 15.07.2013 (Annexure-5).

In view of the fact that the claim of pre-emption raised on behalf of the petitioner with respect to vended plots has been rejected by all the three statutory authorities by recording concurrent findings of facts, which have been affirmed by the learned Bihar Land Tribunal, Patna, this Court does not feel persuaded to interfere with the impugned order dated 15.07.2013 (Annexure-5) passed by the learned Bihar Land Tribunal, Patna.

The writ petition is devoid of merits and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

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