

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.780 of 2017

IN

Civil Writ Jurisdiction Case No. 14087 of 2006

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Most. Sumitra Devi wife of Late Madan Prasad Singh, resident of Village Bhusi Chak, PS Haveli Kharagpur, District Munger

.... (Petitioner)/ Appellant/s

Versus

1. The State of Bihar
2. The Additional Member, Board of Revenue, Old Secretariat, Patna, Bihar
3. The Collector, Munger
4. The Sub-Divisional Officer, Kharagpur, District- Munger, Bihar
5. The Circle Officer, Kharagpur, District- Munger, Bihar
6. Arjun Prasad Singh son of Late Babu Akshya Singh, resident of village- Bhusi Chak, P.s.- Haveli Kharagpur, Kharagpur, District- Munger, Bihar
7. Most. Laxmi Devi wife of Late Radha Singh
8. Ashok Kumar Singh
9. Suman kumar Singh both sons of Late Radha Singh, residents of Mohalla-Shastri Nagar, Mungher, P.S.- Kotwali at and District- Munger
10. Bhawani Devi wife of Late Madan Singh
11. Madhav Singh
12. Murari Singh
13. Tripurari Singh
14. Bihari Singh, all sons of Late Madan Singh
15. Narendra Kumar Singh son of Late Krishna Nandan Singh, all residents of village- Indrakh, P.S.- Narayan Nagar, District- Munger

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Sinha, Mr. Bhola Kumar

For the Respondent/s : Mr. MD.KHURSHID ALAM-AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 20-12-2017

Seeking exception to an order dated 17.04.2017

passed by the learned Writ Court in CWJC No. 14087 of

2006 dismissing the writ petition filed by the petitioner, this



appeal under Clause 10 of the Letters Patent has been filed.

Facts in brief goes to show that respondent no. 6 Arjun Prasad Singh filed a petitioner under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 before the competent authority claiming his right to pre-emption on the ground that he was a boundary raiyat of the aforesaid plot. Even though the Sub Divisional Officer rejected the challenge but an appeal being filed the Collector found the claim to be established and allowed the same. Further, an appeal filed before the Board of Revenue having been dismissed the matter came to this Court and the learned Writ Court found that even though in the sale deed the boundaries have been properly indicated but in the report of the Anchal Amin submitted along with the map it is clear that the Anchal Amin had after physical verification found that the private respondent no. 6 as boundary raiyat of the purchased plot and it is based on these facts that the Collector, Board of Revenue and the Writ Court have interfered into the matter.



Keeping in view the concurrent findings recorded by both the Collector and the Board of Revenue and affirmed by the learned Writ Court based on due appreciation of the factual aspect of the matter we see no reason to make any indulgence into the matter.

The appeal is therefore dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mr.l./-

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