

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1460 of 2016

In
Civil Writ Jurisdiction Case No.16291 of 2015

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

... .. Appellant/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 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

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Appearance :

For the Appellant/s	:	Mr.
For the Respondent/s	:	Mr. Narendra Kumar, Mr. Dhananjay Kr. Shahi, Adv. Mrs. Archana Minakshi, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-11-2017

Delay of 161 days in filing of the appeal is condoned
and I.A. No.5599 of 2016 is allowed and disposed of.

Based on a concurrent findings recorded by the Bihar
Land Tribunal and the learned Writ Court, it is seen that the



petitioner was not entitled to the right of pre-emption on account of the fact that she was the owner of 7 Bighas of land and not a landless person.

The above finding of fact is based on the materials available on record and we see no reason to take a different view in the matter than the one taken. The appeal is dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	8.11.2017
Transmission Date	

