

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2013 of 2015

IN

Civil Writ Jurisdiction Case No. 5887 of 2009

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Jai Shankar Prasad S/o Sitaram Prasad Resident of Village - Lami Chaur, P.S. - Bhore, District - Gopalganj.

.... Appellant/Respondent

Versus

1. The State of Bihar through the District Magistrate, Gopalganj.
2. Chiraya Devi Daughter of Sheonath Bhagat
3. Lilawati Devi Daughter of Sheonath Bhagat
4. Smt. Lalmati Devi W/o Sheonath Bhagat All above three are residents of village - Bairuna, P.O. - Lamichaour, P.S. - Bhore, District - Gopalganj.
..... Respondents/Respondents
5. Sudarshan Bhagat S/o Rajmangal Bhagat Resident of Village - Bairawana, P.O. Lami Chaur, P.S. - Bhore, District - Gopalganj.
.... Respondent/Writ Petitioner.

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Appearance :

For the Appellant	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Pratik Kr. Sinha, AC to G.A.-V
For the Respondents	:	Mr. Anil Kr. Jha, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 28-11-2017

Heard learned counsel for the parties.

We are not inclined to interfere with the order passed by the learned Single Judge for the obvious reasons that the learned Single Judge having appreciated the submissions made at the bar left it open for the purchasers as well as the pre-emptors to take their pleas before the D.C.L.R., the authority, who will consider all such pleas which will be raised before him and shall record a conclusive



finding of fact.

Learned counsel for the appellant has once again contended before us that the land in question is not an agricultural land, and, therefore, this fact not having been mentioned in the application for pre-emption, the pre-emption is liable to fail. We do not see any reason to pre-empt that this point shall not be considered by the D.C.L.R.

The appeal has no merit. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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