

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.809 of 2014**

**IN**

**Civil Writ Jurisdiction Case No. 10484 of 2006**

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Darshan Rai, son of Late Sattan Rai, Resident of Village - Nandani, P.S. Mohiuddin Nagar, District - Samastipur

.... .... Appellant

Versus

1. The Board of Revenue, Bihar, Patna
2. The Additional Member, Board of Revenue, Bihar, Patna
3. The Additional Collector, Samastipur
4. The Deputy Collector, Land Reforms, Patori, District - Samastipur
5. Sukhalu Rai
6. Lakharu Rai, both sons of Makuni Rai, Resident of village and Post Nandani Tola - Balthara, P.S. Mohiuddin Nagar, District - Samastipur
7. Ram Dhyani Rai
8. Bachchan Rai, both sons of Late Binda Rai, Resident of village and Post Nandani Tola - Balthara, P.S. Mohiuddin Nagar, District - Samastipur

.... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. S.N. Choudhary, Advocate  
Mr. Lovekush Kumar, Advocate  
For private Respondents : Mr. Ram Bali Jha, Advocate  
For the State : Mr. Arun Kumar Sinha, AC to GP-24

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 22-03-2017**

Heard counsel for the appellant, counsel for the private respondents and the State.

The appeal is directed against the order dated 27.01.2014, passed by the learned Single Judge, who has dismissed the writ application refusing to interfere with the concurrent findings of fact given by the subordinate forums including the Member, Board



of Revenue.

The learned Single Judge has rightly dismissed the writ application refusing to grant pre-emption because the concurrent finding, which emerges, is that the land, which has a dimension of 1 katha, 8 dhurs, was bought for the purpose of constructing a house and is a homestead land because the evidence has emerged in this regard.

If that be so, the learned Single Judge has done no wrong by trying to unsettle the settled findings of fact before the subordinate forums.

Appeal has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Rajesh/-

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