IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15383 of 2011

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Smt.Asha Devi

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Radha Raman Verma
For the Respondent/s : Mr. Ashok Kr Choudhry Sc13

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

6 21-06-2017 Heard learned counsel for the petitioner.

No one appears on behalf of the private respondents as well as State.

The petitioner has challenged the order dated 18.08.2010 passed by the Commissioner, Bhagalpur Division, Bhagalpur, in Case no. 6 of 2010-11, as contained in Annexure-5 to this application, as also the order dated 19.04.2010 passed by the Collector, Bhagalpur, in Land Ceiling Act case no. 07/04-05, as contained in Annexure-4 to this application, and also the order dated 10.02.2004 passed by the Additional Collector, Bhagalpur in Land Ceiling Appeal No. 09/02-2003, as contained in Annexure-3 to this application and also the order dated 26.12.2002 passed by the DCLR, Kahalgaon in Land Ceiling Case NO.03/2001-2002, as contained in Annexure-2 to this application.

Admittedly, the petitioner purchased the disputed lands through sale deed dated 12.09.2007, which was executed by Sri Amit Kumar, the owner of the aforesaid land. The respondent no.

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6 filed a petition under section 16(3) of Bihar Ceiling Act before the DCLR, Kahalgaon claiming himself as Khatiani and boundary Raiyat of the plots in question. The claim of respondent no. 6 was allowed by the Land Reforms Deputy Collector, Kahalgaon passing the impugned order dated 26.12.2002, which was confirmed up to the Commissioner, Bhagalpur Division, Bhagalpur.

The claim of the petitioner is that she purchased the lands in question in the capacity of under Raiyat but due to wrong advice, she chose wrong forum and, therefore the impugned orders were passed against her.

The sale deed in question goes to show that respondent no. 6 is boundary raiyat of the plots in question and the aforesaid fact was examined by the courts below and the courts below came to the conclusion that respondent no. 6 is not only Khatiani raiyat but also boundary Raiyat of the plots in question. Therefore, in my view, there is nothing on the record on the basis of which this Court can disturb the concurrent findings of the courts below.

Accordingly, this writ petition stands dismissed on admission stage itself.

(Hemant Kumar Srivastava, J)

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