

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16258 of 2008

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Sita Ram Yadav son of Banbali Yadav, resident of village- Kesuli, P.S-benipatti,
Dist- Madhubani

.... Petitioner/s

Versus

- 1.The State of Bihar
2. The Additional, Member, Board of Revenue, Bihar, Patna
3. The Collector, Madhubani
4. The Additional Collector, Madhubani
5. The D.C.L.R, Benipatti, Madhubani
6. Ram Hit Yadav son of Janak Yadav, resident of village- Durgauli, P.S- Benipatti,
dist- Madhubani
7. Saukhi Lal Yadav
8. Uchit Narayan Yadav both sons of late Siyalal Yadav, resident of village- Kasuli,
P.S- Benipatti, dist- Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Murari Narain Choudhary
Mr. Vijay Kumar

For the Respondent/s : Mr. Rakesh Kumar Ranjan AC to GA-5
Mr. Sanjay Kumar Singh
Mr. Vishwanath Prasad Sinha

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL JUDGMENT
Date: 04-07-2017**

Heard learned counsel for the petitioner as well as learned counsel
appearing for the private respondents and learned counsel appearing for the State.

2. The Petitioner has challenged the order dated 30.10.2006 as
contained in Annexure-5 to this petition, passed by the learned Additional
Member, Board of Revenue, Bihar(respondent no. 2) by which and whereunder
he rejected the Revision Application no. 177 of 2005, affirming the orders dated
20.05.2005 and 28.08.2004 respectively passed by the Additional Collector,
Madhubani in Appeal Case No.15/2004-05 as well as D.C.L.R, Benipatti in Pre-
emption Case no. 01/2003-04.



3. The brief fact of the present case is that respondent nos. 7 and 8 executed sale deed dated of 20.12.2014 Khata No.5279 and 5280, area 4½ Kathas in favour of respondent no 6. Petitioner claimed his right of pre-emption under Section 16(3) of the Bihar Land Ceiling Act claiming himself to be co-sharer and boundary Raiyat of the plots of the aforesaid khata. The claim of the petitioner was rejected by all the three courts below on the ground that the respondent no. 6 was a landless person and holder of BPL card.

4. The petitioner has challenged the impugned order on the ground that respondent no. 6 was not a landless person rather he was in joint possession of some lands with his family members and he made false claim before the courts below.

5. Learned counsel for the petitioner submits that petitioner sought information regarding the issuance of red card to the respondent no. 6 from competent authority under Right to Information Act and the competent authority gave information that BPL I.D.No. 13914 was never allotted to any person nor the aforesaid BPL I.D No.13914 was entered into register of BPL. He further submitted that the claim of respondent no. 6 before all the three courts below was that BPL I.D 13914 had been issued to him but the reply of competent authority proves that forged claim was made by the respondent no. 6 before the concerned courts. Learned counsel for the petitioner also submits that all the three courts below ignored the documents filed by the petitioners to show that respondent no. 6 was not a land less person.

6. On the other hand, learned counsel appearing for the respondent no. 6 submits that in Para-5 of reply to rejoinder dated 01.03.2017, it has, specifically, been pleaded that the name of respondent no. 6 was entered at serial no. 60487 of BPL I.D and, accordingly, BPL I.D of respondent no. 6 was 60487



and so far as BPL I.D No. 13914 is concerned, the same is red card number and the photo copy of the red card of the aforesaid number had been produced before the courts below but the petitioner has tried to mislead this Court. He further submitted that so far as the so called land of respondent no. 6 is concerned, the petitioner has made contradictory statements.

7. It is an admitted position that all the courts below found that respondent no. 6 is a land less person and, there is current findings of all the three courts regarding the status of respondent no. 6 as well as in respect of above stated BPL I.D. and, therefore, this court does not think it proper to disturb the concurrent findings of all the three courts below. Moreover, a specific explanation has been given by the respondent no. 6 regarding his B.P.L I.D number at para-5 of the reply to the rejoinder dated 01.03.2017 which has not been controverted by the petitioner. Therefore, in the aforesaid circumstance, I do not find any merit in this writ petition. Accordingly, this writ petition stands dismissed.

(Hemant Kumar Srivastava, J)

N.K/-

AFR/NAFR	NAFR
CAV DATE	NAFR
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