

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1247 of 2013

IN

Civil Writ Jurisdiction Case No. 388 of 2003

Janardan Singh S/O Late Jatan Singh Resident Of Village And Post Office-
Rasalpur, Police Station And Anchal- Chandauti, District- Gaya.

.... Appellant

Versus

1. The State of Bihar
2. The Addl. Member Board of Revenue, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Deputy Collector, Land Reform, Gaya.
5. Jitendra Prakash S/O Shidheshwar Prasad Resident of Village And P.O-
Rasalpur, Police Station And Anchal- Chandauti, District- Gaya.
6. Upendra Singh S/O Sidheshwar Prasad Resident of Village And P.O- Rasalpur,
Police Station And Anchal- Chandauti, District- Gaya.
7. Ramanand Singh S/O Late Bishun Singh Resident of Village And P.O-
Rasalpur, Police Station And Anchal- Chandauti, District- Gaya.
8. Asha Devi W/O Lalan Prasad Singh Resident of Village- Barhanikala, P.S-
Rohni, District- Varanasi (U.P), At Present Residing At Village And P.O-
Rasalpur, PS- Chandauti, District- Gaya.

.... Respondents

Appearance :

For the Appellant/s : Mr. NAGENDRA KUMAR

For the Respondent/s : Mr. HARENDRA PD. SINGH

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-02-2017

Appeal is against the order dated 14.08.2013, passed by the learned Single Judge in CWJC No.388 of 2003. The writ was filed by the appellant seeking a direction upon the respondent authorities to transfer the land in question as he was supposed to be the adjoining raiyat and he had a right of pre-emption.

2. The matter travelled from D.C.L.R. up till the Additional Member, Board of Revenue who decided to allow the two revision applications since there were two claims filed for pre-emption of 20.5 decimal plots each, the total area being 41 decimals.



3. The finding which has emerged by the authorities was that an offer was granted to the appellant for sale of the plot of land but he refused to do so and only to blackmail as well as corner the owners of the two plots of land that the proceeding was initiated under the Land Ceiling Act claiming right of pre-emption. The findings are there with regard to the offer as well as refusal by the appellant, therefore, the learned Single Judge has rightly come to a conclusion that merely because he is a boundary raiyat, he cannot be permitted to raise the claim of pre-emption under Section 16(3) of the Land Ceiling Act. Such claim was rightly rejected by the D.C.L.R., Gaya as well as by the revisional authority.

4. It is also of significance that the sale deeds relate to the year 15.02.2000. Any kind of indulgence and leeway shown to the appellant after more than 17 years of such alienation will be an abuse of the process of Court and, therefore, no interference is warranted with the order of the learned Single Judge who has come to the rightful conclusion with regard to the absence of bona fide and right of the appellant to claim pre-emption.

5. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2017
Transmission Date	NA

