

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1161 of 2013

In

Civil Writ Jurisdiction Case No.2729 of 1990

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Md. Faizul Hasan, son of Late Md. Nayeem, resident of village – Mehasul,
P.S. - Sitamarhi Town, District – Sitamarhi

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Additional Member, Board of Revenue, Bihar, Patna
3. The Additional Collector, Sitamarhi District, Sitamarhi
4. The LRDC, Sitamarhi West, District – Sitamarhi
5. (i) Amna Khatoon Wife of Late Md. Quasim
- 5(ii) Md. Gufran, son of Late Md. Quasim
- 5(iii) Md. Mazhar, son of Late Md. Quasim
- 5(iv) Md. Mustafa Kamal, son of Late Md. Quasim, all residents of village –
Mehsaul P. S. - Sitamarhi, District – Sitamarhi
- 5(v) Halima Khatoon, wife of Md. Zafar, resident of village – Chandanbara,
P.S. - Dhaka, District – East Champaran
- 5(vi) Nasima Khatoon, sife of Hafiz Meraj
- 5(vii) Barira Khatoon, wife of Zubair, both residents of village – Mehasaul,
P.S. - Sitamarhi , Town District – Sitamarhi
6. Md. Irshad Ahmad Son of Late Abdul Late of village – Mehasaul, P.S. -
Sitamarhi , Town District – Sitamarhi

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raju Giri Mr. Zaki Haider
For the Respondent/s	:	Mr. Raqhib Ahsan Sr. Advocate Mr. Anjani Kumar
For the State	:	Mr. A.A.G. - 10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

7 06-11-2017 Heard learned counsel for the parties.

There are concurrent findings of fact by all the three
forums. The Learned Single Judge has rightly dismissed the writ



application, because pre-emptors are not only co-sharers, but also boundary raiyat. Since the requirements of preemption have been met, therefore, preemption has been rightly allowed.

Appeal has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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