

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1308 of 2016

In
Civil Writ Jurisdiction Case No.13016 of 1996

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1. Sheo Kumar Jha
 2. Shambhu Nath Jha
 3. Bharat Jha All sons of Late Tirath Nath Jha resident of Maheshi,
P.S. - Maheshi, District : - Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Additional Collector, Saharsa, District - Saharsa.
4. The Land Reforms Deputy Collector, Saharsa, District - Saharsa.
5. Birendra Kumar Das
6. Sudhir Kumar Verma
7. Bimal Kumar Verma All 5 to 7 sons of Late Rudra Nand Lal Das alias Late
Munshi Rudra Nand Lal Das
8. Smt. Shushila Devi wife of Late Rudra Nath Lal Das @ Late Munshi Rudra
Nand Lal Das All Sl. No. 5 to 8 residents of Village and P.S. : Maheshi,
District : - Saharsa.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Jha
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

9 31-10-2017 Having heard learned counsel for the parties at length and on going through the detailed order passed by the learned Writ Court on 26th of April, 2016 in CWJC No. 13016 of 1996, we find that the learned Writ Court has approved the finding of fact arrived at by the statutory authority exercising jurisdiction of preemption in preemption proceeding under Section 16 (3) of the Bihar Land Reforms (Fixation of Ceiling Area and



Acquisition of Surplus Land) Act.

Merely on the basis of a finding recorded with regard to the status of Plot No. 6091 as recorded in the compromise decree showing Respondent No. 1 to be adjacent to the compact block and shown as transferee in the sale deed, right of preemption available to the respondent and has been adjudicated based on the findings recorded and the decree granted in the compromise arrived at between the parties and so long as the compromise subsists, the order passed concurrently by the statutory authority and the learned Writ Court cannot be interfered with being finding of fact based on a decree, even though a compromise decree. If the appellants feel that there was any error in the compromise decree ,it was for the appellants to take recourse of such remedy as may be available for getting the decree corrected.

That being so, indulgence into the matter is not called for. The learned Writ Court has rightly refused to interfere in the matter as findings are based on compromise decree passed in Title Suit No. 295 of 1974, we see no reason to make indulgence into the matter. However, we observe that if law permits, liberty shall be available to the appellants to challenge the compromise decree in accordance with law.



With the aforesaid, finding no indulgence to be made into
the matter, the appeal stands dismissed.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

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