

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.387 of 2017

In

Civil Writ Jurisdiction Case No.14016 of 2004

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Rajendra Singh, Son of Late Ram Bilash Singh, Resident of Village-Asadpur
Maibhara, Police Station-Goraul, District-Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Additional Member, Board of Revenue, Patna, Bihar.
3. The Collector, District-Vaishali.
4. The Land Reforms Deputy Collector, Mahaua, District-Vaishali.
5. Asha Devi, Wife of Sri Shambhu Nath Singh.
6. Indu Devi, Wife of Sri Ram Nath Singh. Respondent No. 5 and 6 are
Resident of Village-Asadpur Maibhara, Police Station-Goraul, District-
Vaishali.
7. Ambika Singh, Son of Late Jwala Singh, Resident of Village-Asadpur
Maibhara, Post Office-Bushunpur Arara, Police Station-Goraul, District-
Vaishali.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satish Narain Singh, Adv.
For the Respondent/s : Mr. MD.KHURSHID ALAM-AAG12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-11-2017

Seeking exception to an order dated 25.11.2016
passed by the learned Writ Court in C.W.J.C. No.14016 of 2004,
this appeal has been filed under Clause 10 of the Letters Patent.



The appellant's claim for pre-emption raised under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has been rejected vide concurrent findings recorded by the original authority and the revisional authority, the Board of Revenue, and when the matter travelled to the learned Writ Court, the learned Writ Court rejected the writ petition by holding as under in para Nos.6 and 7.

"6. After having heard the parties and on consideration of the materials available on the record, this Court finds that by recording a concurrent findings of fact, the original authority as also the revisional authority have rejected the claim of pre-emption raised on behalf of the petitioner on the ground that he has failed to prove that he is the adjoining raiyat of the vended plot. This Court further finds that before the revisional authority, the petitioner was heard and his case was considered by the revisional authority. The issue raised on his behalf that somebody else had appeared on his behalf cannot be gone into in the present proceeding filed under Article 226 of the Constitution of India, at this stage, after lapse of more than 12 years.

7. For the reasons recorded above, this Court does not feel persuaded to interfere with the impugned revisional order. Furthermore, the claim of pre-emption has been raised only for a small parcel of land of 5 decimals. The revisional authority has also recorded a finding that the purchasers have no other land except the land purchased by them."



Keeping in view the aforesaid reasons that weighed with the learned Writ Court for refusing indulgence into the matter, we see no reason to make any interference in this appeal.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
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