

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1610 of 2013

IN

Civil Writ Jurisdiction Case No. 3650 of 2008

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Arjun Sharma Son Of Late Viswanath Sharma Resident Of Village- Chhatiana
(Also Known As Gobindpur Chhatiana), P.S. Harnaut, District- Nalanda

.... Appellant

Versus

1. The State Of Bihar
2. The Additional Member, Board Of Revenue, Bihar, Patna
3. The Additional Collector, Nalanda, At, P.O. And P.S.- Biharsharif, District- Nalanda
4. The Deputy Collector Land Reforms (D.C.L.R.) At, P.O. And P.S.- Biharsarif, District- Nalanda
5. The Anchal Adhikari, Harnaut Anchal, At, P.O. And P.S.- Harnaut, District- Nalanda
6. The Halka Karmchari, Harnaut Anchal, At, P.O. And P.S.- Harnaut, District- Nalanda
7. Ajay Kumar Singh Son Of Jai Narain Pd. Singh Resident Of Village And P.O.- Godargawan, P.S. Matihani, District- Begusarai, At Present Resident Of Village And P.O.- Chhatiana, P.S.- Harnaut, District- Nalanda (Vendor)
8. Paras Kumar Son Of Ram Janam Singh Resident Of Village- Chahatiana, P.O.- Chhatiana, P.S.- Harnaut, District- Nalanda (Vendee)

.... Respondents

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Appearance :

For the Appellant : Mr. Arvind Kumar Sharma, Advocate

For the Respondent State: AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 22-02-2017

A desperate effort has been made by the appellant in the appeal to overcome the concurrent findings of fact that the appellant is not a boundary raiyat of any of the vended plots of land in relation to which an application for preemption was filed.

There are four sale deeds against which the appellant filed applications. He lost before all the forums i.e. the D.C.L.R., the Additional Collector, Member, Board of Revenue and then before



the learned single Judge, who concurred with the findings given by all the authorities with regard to the appellant not being a boundary raiyat.

With the findings what it is, there is no reason for this Court to set aside the order of the learned single Judge in appeal on the submission made by the learned counsel for the appellant that a mischievous kind of report was obtained from Karamchari to defeat the right of the appellant before the D.C.L.R. The whole issue cannot be re-opened at this juncture.

Appeal is dismissed.

The submission of the counsel for the appellant that if he makes an application for refund of the money deposited with the authorities for the claim of preemption, the same should be processed and returned.

It goes without saying that it is his right to claim his refund and the authorities have an obligation to do so within a reasonable time preferably within three months.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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