

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2051 of 2018

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1. Sabita Devi, Wife of Late Ram Raj Singh, Resident of Village-
Madhupur, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department,
Government of Bihar, Patna.
2. The Additional Secretary, Revenue Department, Government of Bihar,
Patna.
3. The Collector, District- Patna.
4. Siya Muni Devi, Wife of Sri Birendra Prasad Singh @ Sangam Rai,
Resident of Village- Madhupur, P.S.- Bihta, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh
For the Respondent/s : Mr. S.C. Yadav-Gp15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 03-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has filed this writ petition for quashing
the order dated 12.10.2017 passed by learned
Member(Administration), B.L.T. in B.L.T. Case No.928 of 2013
whereby the petition of the petitioner has been dismissed and the
order of the Commissioner passed in Ceiling Revision Case No.16
of 2011 has been confirmed rejecting the claim of the petitioner
for pre-emption.

The brief facts that the lands stood in the name of the
mother-in-law of the petitioner. Mother-in-law of the petitioner



sold the land, Plot No.1355, area 9 decimals of Khata No.173 situated in village-Ghodhma, Jagdishpur to respondent No.4. The petitioner claimed preemption and filed petition before the D.C.L.R. that she being the daughter-in-law of the vendor is co-sharer of the vendor and she has got right of preemption under Section 16(3) of the Bihar Land Reforms(Ceiling) Act. The D.C.L.R. held that the land was standing in the sole name of Indrasan Kuer and there was nothing on record to show that the property belonged to joint family. The preemptor could not be able to show that she is adjoining raiyat of the land. Accordingly, the D.C.L.R. dismissed the preemption petition of the petitioner. The District Magistrate in appeal preferred by the petitioner set aside the order holding that the petitioner happens to be daughter-in-law of the vendor and she shall be deemed to be co-sharer but the order of the Collector was set aside by the Commissioner and the same was confirmed by Member, B.L.T.

The learned counsel for the petitioner submits that Indrasan Kuer is mother-in-law of the petitioner and her husband, Chandrika Singh purchased the land in the name of Indrasan Kuer in the year 1990. Petitioner happens to be the daughter-in-law of Indrasan Kuer. She is entitled to get share in the property but there is nothing on record to show that Chandrika Singh, husband of



Indrasan Kuer got the land purchased in the name of his wife by joint income of the family. In absence of such findings, the finding of the collector that the pre-emptor is co-sharer of the land is not sustainable and accordingly, the same has rightly been set aside by the Commissioner and the same order was confirmed by the B.L.T.

Therefore, I do not find any illegality in the order. Accordingly, this writ petition is devoid of any merit and the same is dismissed.

(Prabhat Kumar Jha, J)

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