

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10764 of 1993

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1. Janardan Singh
2. Hirdaya Narain Singh
3. Aditya Narain Singh

All sons of late Kedar Nath Singh, resident of village Brahampur, P.S. Brahampur, District Buxar

.... Petitioners

Versus

1. The State of Bihar
2. Shri M. Kumar, Additional Member, Board of Revenue, Bihar, Patna
3. Collector of the District of Bhojpur
4. Deputy Collector, Land reforms, Sadar Sub-division at District of Bhojpur
5. Deep Narain Yadav, son of late Ram Sundar Yadav
- 6(i) Most. Sonajhari Devi, wife of Late Sakaldip Yadav
- 6(ii) Sanjaya Singh
- 6(iii) Sunil Singh, both sons of late Sakaldip Yadav
7. Prayag Yadav, son of late Ram Sundar Yadav
8. Paras Yadav, son of late Ram Sundar Yadav
9. Raj Nath Yadav, son of late Ram Sundar Yadav
- 10(i) Jaya Prakash Singh
- 10(ii) Shri Bhagwan Singh, both sons of late Tetara Devi, wife of late Hardwar Yadav

All residents of village Banahi, P.S. Shahpur, District Bhojpur

11. Brinda Mohan Singh, son of Late Rameshwar Singh,
12. Sanjay Singh, son of Late Rana Pratap Singh,
13. Sujit Singh, son of late Rana Pratap Singh,
14. Name not know, widow of Late Rana Pratap Singh,
15. Ajay Pratap Singh,
16. Vijay Pratap Singh,
17. Abhay Pratap Singh,
18. Binay Pratap Singh,

Respondent Nos. 15 to 18 are the sons of Late Basudeo Narayan Singh,

19. Amar Pratap Singh,
20. Suman Pratap Singh,
21. Anil Pratap Singh,
22. Ajit Pratap Singh,

Respondent Nos. 19, 24, 25 all are sons of Late Dip Narain Singh, and Respondent nos. 20, 21, 22, 23 are s/o Brindra Mohan Singh

23. Narendra Mohan Singh,
24. Jitendra Mohan Singh,
25. Upendra Mohan Singh,

Respondent Nos. 26 to 28 all are sons of Late Kripa Narain Singh,

26. Surendra Mohan Singh, son of Late Bhola Singh,
27. Ashok Kumar Singh, son of Surendra Mohan Singh,
28. Mt. Lalmati Devi, widow of Late Kamala Singh,

All residents of village Brahampur, Police Station, Brahampur, District Buxar.

.... Respondents

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Appearance :



For the Petitioner/s : None
For the State : Mr. Ajay Kumar, AC to GP-4
For respondents nos.5, 7 & 8: Mr. Ashok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 05-10-2018

None appears on behalf of the petitioners.

Mr. Ajay Kumar, learned AC to GP 4 appears for the State and Mr. Ashok Kumar, learned Counsel, appears for the private respondents no. 5, 7 and 8, who are purchasers of the land in question.

The petitioners by way of this writ petition have questioned the order dated 17.09.1979 passed by the DCLR, Sadar Sub-Division, District- Bhojpur in Ceiling Case No. 12/1978-79, whereby their application under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961(hereinafter referred to as 'the Act') has been rejected and which order of the DCLR has been confirmed in appeal when Ceiling Appeal No. 32 of 1979-80 filed by the petitioners was dismissed by the Collector, Bhojpur on 28.10.1991 and even the revision has been rejected by the Member, Board of Revenue vide order passed on 16.07.1993 in Ceiling Revision No. 444 of 1991.

The writ petition was admitted for hearing vide order passed on 22.08.1996 and is taken up for hearing when none appears on behalf of the petitioners to press the application.

I have heard learned Counsel for the respondents and have



perused the records and I find that there is concurrent finding by the statutory authorities that the petitioners were neither co-sharers nor adjoining raiyats of the disputed land which was in the nature of orchard and it is in this view of the matter that the pre-emption application was dismissed by the D.C.L.R. and affirmed by the superior statutory authorities in Appeal and Revision.

Considering that the issue as regarding the petitioners not being the adjoining raiyats of the disputed land stands concluded by findings recorded at each stage of the proceedings by the statutory authorities which is an essential foundation for maintaining such proceeding under section 16(3) of ‘the Act’ and with no other issue raised, I am not persuaded to interfere with the findings recorded by statutory authorities.

The writ petition is dismissed.

(Jyoti Saran, J)

Archana/ Surendra

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.10.2018
Transmission Date	NA

