

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1405 of 2017
IN
Civil Writ Jurisdiction Case No. 3476 of 2006**

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1. Ram Vilas Rajak
2. Ram Dayal Rajak
3. Ram Naresh Rajak All Sons of Late Hira Baitha
4. Kamal Rajak Son of Late Dasai Baitha All residents of Village - Rahim Alipur @ Ahiahi, Police Station - Raja Pakar, District - Vaishali.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Collector, Vaishali.
4. The Deputy Collector, Land Reforms, Mahua, Vaishali.
5. Banarsi Devi
6. Shail Devi
7. Urmila Devi All daughters of Late Punit Mahto
8. Bishuni Mahto
9. Kishuni Mahto
10. Hari Mahto @ Haihar Mahto All sons of Late Punit Mahto All residents of Village - Rahim Alipur @ Ahiahi, Police Station - Raja Pakar, District - Vaishali.
11. Dasai Mahto
12. Amod Mahto
13. Pramod Mahto
14. Binod Mahto
15. Umesh Mahto
16. Bimlesh Mehta All sons of Late Gosai Mahto All residents of Village - Rahim Alipur @ Ahiahi, Police Station - Raja Pakar, District - Vaishali.
17. Tuntun Kumar son of Late Naga Mahto resident of Village - Rahim Alipur @ Allahi, Police Station - Raja Pakar, District - Vaishali.
18. Shiv Shankar Chaudhary son of Saryug Chaudhary
19. Shashi Bhushan Pandey Son of Late Ram Babu Pandey
20. Vishambhar Pandey son of Late Ram Balak Pandey All are residents of Village - Rahim Alipur @ Allahi, Police Station - Raja Pakar, District - Vaishali.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suraj Narain Yadav, Adv.
For the Respondent/s : Mr. MD. Khurshid Alam –AAG-12

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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: 14-05-2018



Heard counsel for the appellants, counsel for the respondents and the State.

The finding of the learned Single Judge is based on a consistent finding before the various subordinate authorities that though the land in question may have been described as agricultural land but it is a homestead land on which there is dwelling house in existence.

The very object and purpose for which the legislation has been put in place i.e. preventing fragmentation of agricultural land but since the land in question amounting to two kathas, which was originally bought by the purchaser, has been used for a dwelling house which has been found to be in existence on inspection. We are not interested to interfere with the order of the learned Single Judge dated 07.09.2017 as the decision has been rendered on concurrent findings of facts.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Rajesh/Devendra

AFR/NAFR	NAFR
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