

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12911 of 2019

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1. Ganauri Jamadar alias Sri Ganauri Jamadar Son of Nathun Jamadar, Resident of Village Mahespur Dih, P.S. Hilsa, P.O. Jogipur, District- Nalanda.
 2. Biral Jamadar @ Sri Biral Jamadar, Son of Nathun Jamadar, Resident of Village Mahespur Dih, P.S. Hilsa, P.O. Jogipur, District- Nalanda.

... .. Petitioners

Versus

1. The State of Bihar through the Commissioner, Patna Division, Patna.
2. The Additional Collector-Cum-Additional District Magistrate, Nalanda.
3. The Deputy Collector, Land Reforms, Hilsa, District- Nalanda.
4. Nand Kishor Prasad Son of late Deo Nandan Prasad, Resident of Village- Maheshpur Dih, P.S. Hilsa, District- Nalanda.
5. Chandramani Prasad, Son of Late Deo Nandan Prasad, Resident of Village- Maheshpur Dih, P.S. Hilsa, District- Nalanda.

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Binod Kumar Singh Mr. Shyam Kumar
For the Respondent State:		Mr. ramesh Kumar Singh, AC to GP-15

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-06-2019 Though this matter has been listed under the heading, 'For Orders (On Office Notes)', with certain defects pointed out by the stamp reporter, considering the nature of controversy, this writ application has been heard on merits and is being disposed of by the present order.

The petitioners are purchasers of a piece of land, which transaction became subject matter of a preemption proceeding under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act,



1961. Though the preemption application was dismissed by the Deputy Collector Land Reforms, on appeal, the claim of the preemptor was sustained. The petitioners' revision application, filed against the order of the appellate authority, could not succeed, whereafter they filed an application before the Bihar Land Tribunal, Patna, giving rise to B.L.T. Case No. 616 of 2018, which has been dismissed by the learned Chairman of the Tribunal by a judgment and order dated 10.12.2018. The said order of the Tribunal is under challenge in the present proceeding.

I have heard Learned counsel appearing on behalf of the petitioners. He has argued that the findings recorded by the revenue authorities under the Act that the nature of the land, which was subject matter of preemption proceeding, was agricultural in nature is erroneous, in the light of evidence adduced in course of the preemption proceeding and subsequent appeal and revisional proceedings.

The fact that preemptor was an adjoining raiyat has not been disputed. Learned Chairman of the Tribunal has refused to interfere with the finding recorded by the appellate and the revisional authority that the nature of land was agricultural in nature, the same being concurrent. Further, the



learned Chairman of the Tribunal has taken note of the fact that nature of the land was mentioned in the sale deed as agricultural.

In such circumstances, I do not find any legal infirmity with the order impugned. I, therefore, do not find any merit in this case, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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