

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.122 of 2019

1. Surendra Prasad Singh s/o Late Harinath Singh resident of Village- Parariya, P.O. Samariya, P.S. Barhara, District- Bhojpur
2. Rudra Pratap Singh Late Ashok Kumar resident of Village- Parariya, P.O. Samariya, P.S. Barahra, District- Bhojpur

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Additional Member, Board of Revenue Bihar, Patna
3. The Additional Collector Bhojpur, Arrah.
4. Deputy Collector Land Reforms, Sadar, Arrah. Arrah.
5. Punam Devi Birendra Singh resident of Village- Ekouna, P.O. Ekouna, P.S. Barhara, District- Bhojpur
6. Shail Devi Jogesh Singh resident of Village- Ekouna, P.O. Ekouna, P.S. Barhara, District- Bhojpur.
7. Mahesh Prasad Singh Chandra Gopal Singh resident of Village- Semariya, P.O. Semariya, P.S. Barhara, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Girjanand Prasad, Adv
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 17-02-2020

Aggrieved by judgment and order dated 03.01.2019
passed in CWJC No. 10418 of 2008, passed by learned Single
Judge of this Hon'ble Court, petitioner-appellant has preferred
this Letters Patent Appeal.

Petitioner-appellant filed a writ petition for setting aside
the order dated 12.11.2007 passed by Additional Member, Board



of Revenue, in Board Revision Case No. 274 of 2005, by which the revisional court has affirmed order dated 06.10.2005 passed by Additional Collector in Ceiling Appeal No. 24 of 2002/2005 and dismissed the revision petition of appellant.

Original petitioner had filed an application under Section 16(3) of Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) Act, 1961 before the D.C.L.R, Bhojpur giving rise to Ceiling Case No. 21 of 2001-2002 in which petitioner(pre-emptor) claimed right of pre-emption on the ground that she was adjoining raiyat of the land purchased by respondent nos. 5 and 6 appertaining to Khata No. 248, Plot No. 1311 measuring 2^{1/2} Kathas purchased by respondent nos. 5 and 6.

D.C.L.R, Bhojpur Ara allowed the application of original petitioner (pre-emptor) and found her to be entitled to right of pre-emption on the ground of being an adjoining raiyat and the land being an agricultural land.

Aggrieved by said order, respondent preferred appeal before the Appellate Authority, Additional Collector, Bhojpur, which was registered as Appeal Case No. 24 of 2002/2005, which was allowed by the Appellate Authority on the ground that petitioner(pre-emptor) is neither an adjoining raiyat nor the



nature of land is agricultural, aggrieved by which petitioner(pre-emptor) preferred revision before the Additional Member, Board of Revenue, which was dismissed by the Revisional Court by order dated 12.11.2007 and affirmed the finding recorded by the Appellate Authority.

Petitioner thereafter preferred, writ petition being CWJC No. 10418 of 2008, and after hearing both the parties the writ petition was dismissed by learned Single Judge by its order dated 03.01.2019. The learned Single Judge has held that the order passed by the Appellate Authority as well as Revisional Authority, does not suffer from perversity, requiring any interference in a proceeding under Article 226 of the Constitution of India. The learned Single Judge has further held that the Additional Collector, Ara, Bhojpur(Appellate Authority) as well as Additional Member, Board of Revenue(Revisional Authority), have found that it was the mistake of deed writer who put the name of Surendra Singh instead of vendee in the Northern boundary of the land and as such petitioner (pre-emptor) is neither an adjoining raiyat nor the nature of land is agricultural.

After hearing, learned counsel for the appellant, this Court does not find any infirmity or error in the order passed by



the learned Single Judge, requiring any interference, accordingly, the Letters Patent Appeal is dismissed being devoid of any merit.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.02.2020
Transmission Date	NA

