

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15640 of 2014

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Mohammad Moiuddin @ Moiuddin Mian and Anr

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abinash Kumar, Adv.
For the R.No.3 : Mr. Arun Kr. Prasad. Adv.
For the Respondent/s : Mr. Madhukar Mishra, APP.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-09-2022

Heard the parties.

The present writ application has been filed for quashing the order dated 14.07.2014 passed by the Bihar Land Tribunal, Patna in B.L.T Case No. 490 of 2013 by which the tribunal did not interfere in the order dated 29.12.2012 passed by DCLR Sadar, Motihari, East Champaran, in Land Ceiling Case No. 8/81-82 whereby the petitioner who is the purchaser lost and was directed to dispute the sale deed in favour of the Respondent No.3.

At the very outset, learned counsel for the petitioner has relied upon the judgment of ***Punyadeo Sharma & Ors. Etc. Vs. Kamla Devi & Ors. Etc.*** reported in **2022(1) BLJ434** by which the Supreme Court held as follows.



That learned DCLR Motihari accordingly held that it is not clear from photo copy regarding the actual state of affairs and moreover according to opinion of learned Government Advocate that no order can be passed on the basis of photo copy.

Considering the judgment of the Supreme Court, the orders under challenge i.e. the order 29.12.2012 passed in DCLR, Sadar, Motihari East Champaran, in Land Ceiling Case No. 8/81-82 and the order dated 14.07.2014 passed by the Bihar Land Tribunal, Patna in B.L.T Case No. 490 of 2013 are hereby quashed.

Respondent No.3 may withdraw the amount of 10 per cent deposited before filing the pre-emption application, if such an application is filed, the same shall be disposed of within four weeks from the date of its filing and the amount shall be returned to the Respondent No. 3.

With the aforesaid observations and directions this application is allowed.

(Sandeep Kumar, J)

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