

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24991 of 2019

Md. Haider Ali, Son of Gulam Navi Resident of Village- Ward No.14, Sisauni
P.S.- Kishanpur, District- Supaul.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Collector, District- Supaul.
3. The Deputy Collector, Land Reforms (D.C.L.R.) Supaul.
4. The Circle Officer, Circle Office- Kishanpur, District- Supaul.
5. Bindeshwari Sharma Son of Late Kanki Sharma Resident of Village-
Sisauni, P.S.- Kishanpur, District- Supaul.
6. Md. Abdullah Son of Late Ashique Ali Chaudhary Resident of Village-
Sisauni Tola Belatehra, P.S.- Kishanpur, Dist- Supaul.

... .. Respondents

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate
For the Respondents : Mr. Raj Kishore Roy (GP-18)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-11-2022

Heard the parties.

2. The petitioner has moved this Court for the
following reliefs:

“i. For issuance of writ in the nature of mandamus or any other appropriate writ, order/orders and direction for commanding the respondents, to implement the order of the respondent no. 3, the D.C.L.R., Supaul, vide order dated 28.06.2017 in Pre-emption Case No. 02/2016-17, (contained in Annexure-4) passed by learned D.C.L.R., Supaul, whereby and where under the pre-emption application allowed in favour of the petitioner and directed to the respondent no.



6 to execute the registration of the land in question in favour of the petitioner.

- ii. For issuance of any appropriate writ, order/orders or direction for commanding the respondent authorities to hold the claim of the petitioner for transferring the land in question in his favour, as he is genuine boundary raiyat of the land in question and legal pre-emptor the land in question.*
- iii. For grant of any relief or reliefs for which Your Lordships may deem fit and proper in favour of the petitioners.”*

3. It is an admitted position that the petitioner is the pre-emptor.

4. In view of law laid down by the Supreme Court in the case of ***Punyadeo Sharma & Ors. Etc. vs. Kamla Devi & Ors.*** reported in ***2022 (1) BLJ 434***, this Court has no hesitation to hold that the petitioner being a pre-emptor has got no right over the land in question. Consequently, this writ petition is dismissed.

5. If the petitioner files an application before the District Magistrate, Supaul, for refund of the amount deposited by him at the time of filing of pre-emption application, the same shall be considered by the District Magistrate and the amount deposited by the petitioner shall be refunded to him with interest, if any, as permissible under the law, within four weeks from the date of filing of application by the petitioner. In case,



District Magistrate, Supaul, feels it appropriate that refund is to be decided by an officer under him, he will transfer the application of the petitioner to the concerned officer immediately.

6. With the aforesaid observations and directions, this writ petition stands dismissed.

(Sandeep Kumar, J)

pawan/-

U			
---	--	--	--

