

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10805 of 2017

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1. Anand Shanker Rai Son of Late Tara Charan Rai.
 2. Ram Dulari Devi Wife of Sri Anand Shanker Rai Both residents of Village - Rannuchak, P.S. Nathnagar, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Collector, Bhagalpur, District Bhagalpur.
4. The Deputy Collector, Land Reforms, Sadar Bhagalpur, District Bhagalpur.
5. Ram Narayan Rai
6. Shyam Narayan Rai Both Sons of Late Kedar Nath Rai Both residents of Village - Rannuchak, P.S. Nathnagar, District Bhagalpur.
7. Shambhu Nandan Rai
8. Ganesh Gunjan
9. Amit Kumar Rai
10. Ravi Kumar Rai All Sons of Shambhu Nandan Rai All residents of Village - Rannuchak, P.S. Nathnagar, District Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kr., Advocate Ms. Geeta Kr. Jha, Advocate
For the Respondent/s	:	Mr. Sajid Salim Khan -SC-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 18-11-2025 Heard the parties.

2. The present petition has been preferred for the following relief(s):

“(i) for issuance of appropriate writ/order/direction in the nature of certiorari commanding the respondents for quashing of order dated 24.5.2017 (Annexure -11) passed in B.L.T.



Case No. 1410/2015 by the learned Member (Administrative) Bihar Land Tribunal, Patna Whereby the learned member had allowed the case of Preemption U/S 16 (3) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (herein after referred to Bihar Land Ceiling Act, 1961) in favour of Preemptor- Respondent No. 5 and 6 on the basis of Report of Anchal Adhikari, Nathnagar after spot verification which power and authority is not vested in the Revenue authority contrary to the provision laid down U/S 16(3) of Bihar Ceiling Act, 1961 and thereby reversing the finding and order passed by the Commissioner, Bhagalpur Division and District Magistrate Cum Collector Bhagalpur in critic and cavalier manner which is not sustainable in law.

(ii) For issuance of appropriate writ; order/ direction Commanding the Respondents to affirm the Concurrent finding and order dated 11.11. 2011 the (Annexure -10) passed by Commissioner, Bhagalpur Division and order



dated 31.12. 2011 (Annexure-9) passed by the Collector Cum District Magistrate, Bhagalpur whereby both the courts held that the writ petitioners are co-sharers and adjoining raiyats of the land in question and as such the petitioners preemption have better to purchase right of the land in question than the Respondent No. 5 and 6.

(iii) For issuance of appropriate writ, order/direction in the nature certiorari for quashing of order dated 27.2.2008 (Annexure -7) passed by the Deputy Collector, Land Reforms, Sadar, Bhagalpur who had illegally and wrongly passed order in favour of Respondent No. 5 and 6 holding them as co- sharers and adjoining raiyat having right of preemption on the basis of unilateral spot enquiry Report of Anchal Adhikar, Nathnagar contrary to the powers and authority prescribed under Section 16(3) of Bihar Ceiling Act.

(iv) For issuance of order/ direction appropriate writ, Commanding Respondents to declare petitioners the that the petitioners have



better right of preemption than the Respondents No. 5 and 6 as the petitioners have been declared raiyat of the land in question apparent from the orders passed by the Collector, Bhagalpur and affirmed by the Commissioner, Bhagalpur Division, Bhagalpur as it is settled view of law that right of preemption is very weak right and it can be defeated by any legitimate means.

(v) Any other relief, reliefs to which the petitioners are entitled for in the eye of law.”

3. Learned counsel for the petitioner submits that with the passage of time, the fresh law has come so far as the preemption matter is concerned. The writ petition has become infructuous/abated and as such, the same be disposed of.

4. Accordingly, the writ petition stands disposed of as infructuous.

(Rajiv Roy, J)

Adnan/-

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