

Vishundeo Sah Vs. State and ors

Vishundeo Sah Vs. State and ors

SooperKanoon Citation : sooperkanoon.com/1028481

Court : Patna

Decided On : Sep-13-2013

Appellant : Vishundeo Sah

Respondent : State and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case
No.7570 of 1992

=====

Vishundeo Sah, son of Late Yadu Sah, Village Ramnagara, PO Sirauli, PS Riga, District Sitamarhi Petitioner Versus 1. The State of Bihar 2. The Additional Member, Board of Revenue, Bihar, Patna 3. The Additional Collector, Sitamarhi 4. The Land Reforms Deputy Collector, Sitamarhi 5. Alim Ansari 6. Gonaur Ansari 7. Thaga Ansari - all sons of Islam Ansari 8. Ram Janam Prasad, son of Sri Durga Prasad, at present resident of Village Sirauli, PS Riga, District Sitamarhi Respondents

=====

Appearance : For the Petitioner : Mr. R.S.Sahay Mr. Kaushalendra Prasad For
Respondent nos. 1 to 4 : Mr. D K Sinha, AAG 2 For Respondent no. 5 : Mr. Shashi
Nath Thakur Mr. N.K.Aikat

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA ORAL
JUDGMENT

Date:

13. 09-2013 The present writ petition filed under Articles 226 and 227 of the Constitution of India arises out of a proceeding under section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (in short, Act). The petitioner is the pre-emptor with respect to the vended land. His claim of pre-emption on the ground of being adjacent raiyat of the vended plot was rejected by order 18.7.1989 (Annexure

1) passed in Case No. 5/89 by the respondent DCLR, Sitamarhi, by recording a finding of fact that the petitioner failed to establish that he is boundary raiyat of the vended plot which was subject matter of sale deed dated 1.6.1988/3.11.1988 executed by respondent no. 8 in favour of respondent nos. 5 to 7. Appeal and revision preferred by the petitioner before the appellate authority and revisional authority also failed and the order passed by the original authority was affirmed by order contained in Annexures 2 and 3 respectively. In view of concurrent findings of fact recorded by all the three authorities under the Act rejecting the claim of the pre-emption raised on behalf of the petitioner, this Court does not find any good ground to interfere with the orders impugned. In the result, this writ petition has to fail and is accordingly dismissed. However, there shall be no order as to costs. (Birendra Prasad Verma, J) mrl

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com