

**In The Court of Commissioner, Saran Division, Chapra**

**Land Ceiling (Pre-emption) Revision No. 26/2012**

**Bidya Rai**

**Vrs.**

**Pashupati Rai & Ors.**

**ORDER**

30.01.2014- The instant revision petition is directed against the impugned order passed by Addl. Collector, Saran in Land Ceiling Appeal No. 10/2009 on 23.12.2011.

The brief facts of the case are that the disputed piece of land measuring 9 katha 19 dhur situated in Mouza Sabalpur, P.S.- Sonapur and appertaining to R.S. Plot No. 110, stated to be a diara land was transferred by Ran Vijay Kumar Singh & Anil Kumar Singh through registered sale deed on 13.12.2009 in favour of one Bidya Rai, S/o Late Sukal Rai R/o Village- Sabalpur Hasti Tola, P.S- Sonapur, Dist- Saran. Thereafter, the present respondents No. 1 & 2 filed a pre-emption case bearing No. Land Ceiling Case No. 13/2008-09 before DCLR, Sonapur u/s 16 (3) of the Bihar Land Reforms (Fixation of ceiling Areas and Acquisition of Surplus Land) Act- 1961 and the learned DCLR after hearing the parties finally vide his order dated 24.07.2009 allowed the said pre-emption claim on the ground that the pre-emptor is the boundary raiyat and the land is agricultural in nature and the name of pre-emptor has been entered in the sale deed documents. Feeling aggrieved by the said order, the present petitioner (purchaser of the disputed land) filed an appeal case before Addl. Collector, Saran vide L.C. Appeal No. 10/2009 and the said appeal was rejected vide order dated 23.12.2011 in turn the order passed by DCLR, Sonapur was confirmed.

On being aggrieved by and dissatisfied with the aforesaid order of Addl. Collector, Saran the present petitioner has preferred the instant revision petition before this court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner while assailing the impugned order of Addl. Collector, Saran submitted that the same is not maintainable under the law and facts of the case so far as the learned lower court without examining any substantial evidence in support of the claim that the respondents No. 1 & 2 are the adjoining raiyat of the vended land, allowed their claim holding them to be the adjoining raiyat of the vended land. He further submitted that as per recital of the sale deed documents, the name of respondents No. 1 & 2 are not mentioned as boundary man rather in the eastern and southern boundary of the vended land, the 01 dhur land still remains, which belongs the vendor which runs from eastern to southern side of the vended land. The learned counsel further claimed that as the petitioner being a landless person as such against him no pre-emption claim can be allowed. He lastly submitted that as the concurrent findings of learned courts below with respect that the respondents are the boundary man of the vended land is not a legally correct finding as such the impugned order are fit to be set aside and this revision petition be allowed.

The learned counsel appearing on behalf of the respondents vehemently opposed the arguments advanced by the learned counsel for the petitioner and submitted that this revision petition itself is not maintainable as the same has been preferred on baseless grounds. He further submitted that in the eastern and southern boundary of the vended land, the land of respondents No. 2 and 1 is situated as the same was purchased by them through registered sale deed on 29.02.1980 and 12.02.1986 respectively but the present petitioner has got wrongly entered the name of vendor in the eastern and southern boundary of the land in sale deed document with intention to defeat the pre-emption right of the respondents. He further submitted that, although, the petitioner raise the plea that he being a landless person before the

lower courts but the fact is that no documentary evidence has been placed on record to prove his such claim. The learned counsel lastly said that as the nature of disputed land is agricultural and the respondents are the adjoining raiyat of the vended land, their claim of pre-emption has been rightly allowed by the learned courts below as such the impugned order is fit to be upheld.

Considering the facts and circumstances of the case, material available on records, claim and counter claims made by the learned counsel for the parties and on perusal of the impugned order, it is seen that the concurrent findings of facts relating the claim of pre-emption on the ground that the present respondents are the boundary of the vended land and the disputed land itself is agricultural in nature and it was on these grounds, if the pre-emption claim has been allowed by the learned court below the said findings can not be termed as illegal or arbitrary. Furthermore, the learned counsel for the petitioner miserably failed to point out any specific illegality in the impugned order of Addl. Collector, Saran so as to warrant any interference from this court.

For the aforementioned reasons, the impugned order is upheld.  
In the result ; this revision petition is dismissed.

Dictated and Corrected by me.

*30-4-16*  
Commissioner,  
Saran Division, Chapra

*30-4-16*  
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Saran Division, Chapra