

**In The Court of Commissioner, Saran Division, Chapra**  
**Land Ceiling Revision No. 36/2012**

- 1. Laljee Pandey Vrs Sita Kunwar & ors.**  
**Land Ceiling Revision No. 37/2012**
- 2. Laljee Pandey Vrs Sita Kunwar & ors.**

**ORDER**

01-01-2012 - The abovementioned two revision petitions are directed against a common order passed by Addl. Collector in two L.C. Appeal cases bearing Nos. L.C. Appeal case No. 30/2008 & 31/2008 on 02.01.2012 in which appellants and respondents are the same as such they are being disposed of by this common order.

The brief facts of the case are that the disputed piece of land measuring 10 dhur and 2 dhur appertaining to khata No. 21, plot No. 733 was purchased by one Sita Kuwar W/o Late Puza Pandey, R/o Vill-Sawanahi Jagdish, Dist-Gopalganj through two separate registered sale deeds executed on 08.03.07 and 03.04.07 respectively from one Rama Shankar Chaudhary S/o Late Param Chaudhary R/o Vill Ratanpura, Dist-Gopalganj. Thereafter, the present petitioner Laljee Pandey S/o Late Ram Lakhan Pandey R/o Vill-Rantanpura, Dist-Gopalganj claiming himself to be the co-sharer, adjoining raiyat and the nature of disputed land to be agricultural, filed pre-emption case before DCLR Gopalganj vide L.C. case No. 30/2006-07. The said pre-emption case was allowed vide order dt. 04.07.2008. Feeling aggrieved by the said order the present respondent No.2 filed two separate appeal case before Addl. Collector, Gopalganj vide L.C. Appeal No. 30/08 & 31/08 and the said appeals were disposed of by a common order passed on 02.01.2012 whereby the said two appeals were allowed in favor of the present respondent No. 2 (purchaser)

On being aggrieved by and dissatisfied with the aforesaid order, two separate revision petitions have been filed by the present petitioner and these two revision petitions are disposed of by a common order as per the consent of the contesting parties.

Heard the learned counsel for the petitioner.

The learned counsel appearing on behalf of the petitioner submitted that the impugned order is not sustainable either in law or facts. He further argued that the learned lower Court ignored to consider the report of DCLR who himself visited the spot and found the disputed land as culturable but this fact was not considered at all. He also argued that the respondent No. 2 (purchaser) is neither a co-sharer nor adjoining raiyat of the transferred land but the purchaser with a dishonest motive subsequently created deed with a view to defeat the statutory right of the petitioner of pre-emption. He further submitted that the respondent No. 2 is not a landless person but the learned Court below illegally and wrongly held that respondent No. 2 is landless lady and the disputed land is not for agricultural purpose. He also argued that by wrong interpretation of the decision of Hon'ble High Court by the appellate Court whereas such decision was not applicable in the fact situation of the present case. He lastly submitted that as the impugned order is erroneous, illegal and improper the same needs to be set aside and this revision be allowed.

The learned counsel appearing on behalf of the respondent No.2 while vehemently opposing the arguments forwarded by the petitioner's counsel, submitted that the respondent No. 2 is a landless lady and her claim of landless is also justified and in this connection he also referred to a reported judgment of Hon'ble High Court (2005, PLJR (2) page

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24) wherein it has been specifically observed that section 16(3) of land Ceiling Act does not apply against a landless person. He further submitted that the respondent No. 2 purchased two small piece of land measuring 10 dhur and 2 dhur respectively through two sale deeds and the said land is of homestead nature as such no pre-emption is applicable on such a small piece of land which has been purchased for residential purpose. He lastly submitted that the learned Addl. Collector has passed a legal and valid order and the grounds framed by the petitioner are completely wrong and invalid as such the impugned order is fit to be upheld.

Considering the facts and circumstances of the case, material available on records, rival submissions forwarded by the learned counsel for the contesting parties written statement filed by them and on perusal of the impugned order, it is quite apparent that the area of the disputed land is quite small. The petitioner claims himself to be the co-sharer and adjoining raiyat of the vended land whereas the respondent No. 2 is a landless lady and the said land was purchased by her for residential purpose. It is seen that the learned Addl. Collector has discussed the case elaborately to arrive at a conclusive findings of fact. The learned counsel for the petitioner failed to point out any specific illegality in the said order so as to warrant any interference at this stage.

For the aforesaid reasons, the impugned order is upheld.

In the result this revision petition is dismissed.

Dictated and Corrected by me.

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Saran Division, Chapra

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Saran Division, Chapra