

(2007) 05 PAT CK 0161

Patna High Court

Case No: CWJC No. 5515 of 1989

Shiva Kumar Singh and Another

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: May 2, 2007

Citation: (2007) PLJR 171

Hon'ble Judges: Aftab Alam, J

Bench: Single Bench

Advocate: Ram Kumar Sharma, for the Appellant; Rama Ishwar Chandra, for the Respondent

Final Decision: Dismissed

Judgement

Aftab Alam, J.

Heard Mr. Ram Kumar Sharma, Senior Advocate appearing for the petitioners. This writ petition arises from a pre-emption proceeding u/s 16(3) of the Land Ceiling Act.

2. The petitioner is the pre-emptor having lost before all the three courts. On 5.11.1985 Smt. Sudarshan Kumari Devi, respondent No. 6 executed a sale deed in favour of respondent No. 5. By the sale deed she transferred in her favour a piece of land 1 katha and 5 dhurs in area. On the following day, 6.11.1985, the vendor executed a second sale deed in respect, of the vendee with regard to an equal area from the same plot. The two pieces of land were contiguous.

3. On completion of registration the petitioners raised the claim of pre-emption by filing a single petition u/s 16(3) of the Act after depositing the aggregate of the two consideration amounts plus 10%. The D.C.L.R., the Addl. Collector and the Board of Revenue rejected the claim of the petitioners holding that a single application for pre-emption in respect of the transfers made under two sale deeds was not maintainable. The Board of Revenue further pointed out that by virtue of purchasing the land on two different dates under two sale deeds the vendee had herself become an adjoining raiyat in respect of each of the two vended pieces. On hearing

Mr. Ram Kumar Sharma and on going through the orders coming under challenge I find no infirmity in the view taken by the authorities under the Act. I find no merit in this writ petition. It is accordingly dismissed.