

In The Court of Commissioner, Saran Division, Chapra
Land Ceiling (Pre-emption) Rev. No. 230/2016

Ram Bahadur Singh

Vrs.

Suresh Singh & ors.

ORDER

The instant revision petition is directed against the impugned order passed by Collector, Gopalganj in Land Ceiling 16(3) Appeal case No. 14/2015 on 23.09.2016.

The brief facts of the case are that the disputed piece of land measuring 4 katha 1 dhur appertaining to khata No. 91, plot No. 159 and 158/934 situated in Mouza-Mairwa, P.S.- Baikunthpur, Dist-Gopalganj was purchased by the present respondent Suresh Singh S/o Ram Ram Kishore Singh through registered sale deed on 03.12.2010. Thereafter, the present petitioner Ram Bahadur Singh, claiming himself to be adjoining raiyat of the vended land and the land being agricultural in nature filed a pre-emption bearing No. Land Ceiling 16(3) case No.21/2010-11 before DCLR, Gopalganj under section 16(3) of Bihar Land Reforms (Fixation of Ceiling Areas and Acquisition of Surplus land) Act-1961. The case was heard by learned DCLR and subsequently vide order dt. 22.06.2015 disallowed the claim of the petitioner on the ground that the said land was of residential nature and the purchaser is a landless person. Feeling aggrieved by the said order, the present petitioner preferred an appeal case vide Land Ceiling 16(3) Appeal case No. 14/2015 before Collector, Gopalganj who also held the similar view in the matter and finally vide order dt. 23.09.2016 rejected the said appeal case.

On being aggrieved and dissatisfied with the aforesaid order of Collector, Gopalganj the petitioner has preferred the instant revision case before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner while assailing the impugned order, submitted that the same is bad in law and facts. He further argued that through, the petitioner is the adjoining raiyat of the vended land by earlier purchasing some part of the land from the other members his claim of pre-emption has been rejected by the learned Court below. He further argued that the learned Court below has erred to discard the survey khatiyan and the report of C.O. Baikunthpur. He also argued that the disputed land is a cultivable land and the same can not be used for residential purpose. He also argued that the learned DCLR did not consider the report of C.O. Baikunthpur regarding the nature of land which has been found as ditch and the purchaser is no way qualify to be considered as a landless person. The learned counsel lastly prayed that as the impugned order is arbitrary, illegal and erroneous the same be set aside and this revision petition is fit to be allowed.

The learned counsel appearing on behalf of the respondent on the other hand vehemently opposed the arguments forwarded by the learned counsel for the petitioner and submitted that the impugned order of learned Collector, Gopalganj is just and proper and having no illegality. He further argued that the present revision application has been filed on baseless and wrong facts and the said revision case is fit to be dismissed. He also argued that the said land is of residential nature which has been found in the report of C.O. Baikunthpur. Apart from that, the learned counsel also submitted that the said land was purchased by him for construction of his residential house and the respondent has no other land for making his house. He also said that several houses are already in existence nearby the disputed land as



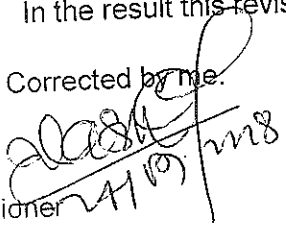
such its residential nature can not be disputed. The learned counsel lastly said that since both the learned Court have decided in favour of the respondent and have dismissed the claim of pre-emption of the petitioner, the said findings of the learned lower Courts are fit to be upheld.

Considering the facts and circumstances of the case, material available on records, pleadings made by the learned counsel for the contesting parties and on perusal of the impugned order, it is seen that in the instant case the disputed question of fact involved in the case as to whether the disputed land to be held as residential nature or agricultural in nature and secondly the purchaser respondents really comes under the purview of a landless person or not. It is seen that both the learned Courts below has decided these two contentions issue elaborately and it was for that reason the claim of pre-emption of the petitioner has been rejected. The learned counsel for the petitioner has failed to brought any apparent illegality in the order of Collector, Gopalganj so as to give any scope to this Court for making any interference in the said order. This Court also does not find any infirmity in the impugned order and for that reason the said order is upheld. Thus, there appears no good ground to reverse the concurrent findings of the learned Courts below.

For the aforementioned reasons, the impugned order of Collector, Gopalganj is upheld.

In the result this revision petition stands dismissed.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.