

In The Court of Commissioner, Saran Division, Chapra
Land Ceiling (Pre-emption) Rev. No. 137/2012
Manti Devi
Vrs.
Mahendra Nath Choudhary & ors.
ORDER

The instant revision application is directed against the impugned order passed by Addl. Collector, Saran in Land Ceiling Appeal No. 31/2006 on 14.02.2012.

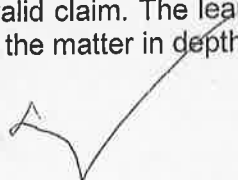
The brief facts of the case are that the disputed piece of land measuring 05 dhur, appertaining to khata No. 25 R.S. plot No. 364 situated in Mouza Sirisia in the Saran district was purchased by the present respondent Mahendra Nath Choudhary S/o Ram Brichha Choudhary, resident of the same village, through registered sale deed from Rajendra Choudhary & ors. Thereafter, the present petitioner Manti Devi W/o Prabhu nath Choudhary, claiming herself to be co-sharer and adjoining raiyat of the vended land, filed a pre-emption claim before DCLR, Chapra Sadar vide Land Ceiling case No. 131/2005-06. The learned DCLR after hearing the case finally rejected the case vide order dt. 19.04.2006. Feeling aggrieved by the said order the present petitioner preferred an appeal case before Addl. Collector, Saran vide Land Ceiling Appeal No. 31/2006. The learned Addl. Collector, after hearing the case finally vide order dt. 14.02.2012 held that the order passed by learned DCLR was valid and accordingly he confirmed the said order and refused to make any interference in that order.

On being aggrieved by the dissatisfied with the said order passed by Addl. Collector, Saran the present petitioner has preferred the instant revision before this Court.

Heard the learned counsel for the parties

The learned counsel for the petitioner submitted at the very beginning of his argument that the impugned order of Addl. Collector, Saran is illegal and against law as the said order has been passed without considering the legal aspects of the case properly. He further submitted that in the sale deed document, due to ill motive, the name of Prabhu Choudhary has been mentioned in the northern boundary instead of Prabhu Nath Choudhary who is the husband of the petitioner and similarly in the eastern boundary another person's name has been shown but actually the said land belongs to the petitioner. He also submitted that the respondent is not a boundary man of the vended land. The learned counsel lastly submitted that both the Court's below have passed erroneous order rejected the claim of pre-emption of the petitioner without considering the valid claim of pre-emption raised by the petitioner. As such the impugned order is fit to be set aside and this revision application be allowed.

The learned counsel appearing on behalf of the respondent strongly opposed the pleadings forwarded by the learned counsel for the appellant and submitted that this very revision petition is not maintainable in law as the petitioner has no locus standi to file the revision case. He further submitted that the case itself is hopelessly time barred and fit to be dismissed on the ground of limitation. He further submitted that the ground framed by the petitioner in the instant revision application is totally false and concocted because the o.p No.1 is in fact both a co-sharer as well as adjoining raiyat of the vended land as such the claim of pre-emption made by the petitioner is not a valid claim. The learned counsel further submitted that the learned Addl. Collector has dealt with the matter in depth and passed a reasoned order

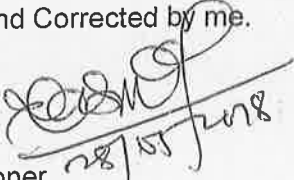


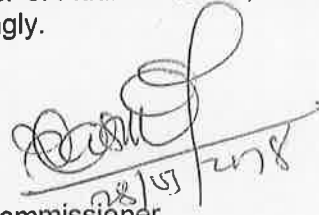
and the same is based on the relevant provision of the law so the same is fit to be upheld and this revision petition being devoid of any merit is fit to be dismissed.

Considering the facts and circumstances of the case, material available on records, claims and counter claims made by the learned counsel for the parties and on perusal of the impugned order, it appears that the dispute between the parties relates to a small fragment of land measuring only 05 dhur. The claim of the petitioner is that in the sale deed document wrong name has been mentioned in the northern and eastern boundary of the disputed land only with a view to defeat her pre-emption right. But from impugned order it appears that the petitioner has failed to establish this before the lower Court. On the other hand, the respondent No.1 claiming himself to be the co-sharer and boundary raiyat of the vended land and which is also discernible from the sale deed document and the boundary mentioned therein. In such a situation the claim of respondent No. 1 seems to be justified and this has also been held so by the learned lower Courts. The petitioner has miserably failed to point out any specific illegality in the impugned order giving scope to this Court for making any interference in the said order.

For the reasons mentioned above, the impugned order of Addl. Collector, Saran is upheld and this revision petition lacking merit is dismissed accordingly.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.