

In The Court of Commissioner, Saran Division, Chapra

Land Ceiling Rev. No. 227/2015

Smt. Bimala Devi

Vrs.

Smt. Malti Devi & ors.

Land Ceiling Rev. No. 228/2015

Smt. Sobha Devi

Vrs

Smt. Malti Devi & ors.

ORDER

The aforementioned noted revision petitions are directed against the common order passed by Addl. Collector, Saran in two Land Ceiling (Pre-emption) Appeal bearing Land Ceiling Appeal No. 14/2014 and 15/2014. The petitioner in two appeals are different but the respondent is common.

These two appeals have been heard together on the consent of the contesting parties.

The brief facts of the case are that two pieces of land measuring 3 katha 10 dhur each from R.S. plot No. 791 were transferred to petitioner of this two cases through sale deed executed by Raghubansh Narayan Singh and Kamal Bansh Narayan Singh on 16.11.1998 respectively. Thereafter, present respondent claiming herself to be adjoining raiyat of the vended land and in order to establish her pre-emption claim file pre-emption petition before DCLR, Chapra, Sadar and, thereafter, before Addl. Collector, Saran. Then being aggrieved by the order of learned Addl. Collector, the petitioner preferred two revision cases before this Court vide Land Ceiling Revision case No. 12/2011 and 13/2011. This Court vide order dt. 30.03.2013 remanded the cases back to the DCLR, Chapra with certain observations. The learned DCLR, Chapra, Sadar, after hearing the case allowed the same by order dt. 12.02.2014. Against the said order dt. 12.02.14 the petitioner moved before the learned Addl. Collector, Saran by preferring two separate appeal cases which were subsequently decided vide order dt. 10.08.2015. Feeling aggrieved by the said order the petitioners have preferred two separate appeal case before this Court.

Heard the learned counsel for the parties.

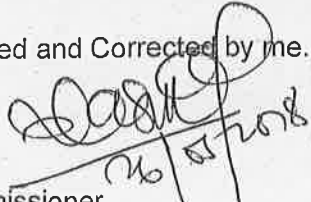
The learned counsel appearing on behalf of the petitioner at the very outset of his arguments assailed the impugned order and said that the order is illegal, erroneous and baseless. He further submitted in detail the whole course of events leading to coming up of this case before this Court in second time. He also submitted that the learned Courts below did not consider this fact that the petitioner is a landless and against whom no pre-emption claim can be made. He further submitted that the nature of disputed land has been changed into dihasgit land which is clear from the advocate Commissioner's report but this facts have been ignored by the Courts below. The learned person counsel in order to substantiate his case, further submitted that o.p. No.1 is neither co-sharer nor boundary raiyat and on the other hand, the petitioner purchaser herself is adjoining raiyat. The learned counsel lastly said that as the petitioner's case is very clear with regard to their claim of being landless person, as such the impugned order of Addl. Collector is fit to be set aside.

The learned counsel appearing on behalf of the o.p. No.1 while opposing the pleadings forwarded by the learned counsel for the petitioner, submitted that the early revision cases filed before this court were remanded back to the Court of DCLR Chapra, Sadar and who after careful consideration of all relevant facts finally concluded that registration date of sale deed is 09.01.2008 of the pre-emptor and 18.01.2008 is of the petitioner and on that ground the o.p. No. 1 has been held as adjoining raiyat of vended lands. He further submitted that the description of land given in the sale deed document clearly indicates that the disputed land is agricultural in nature. He lastly said that as the impugned order of Addl. Collector is just, proper and reasoned, the same is fit to be upheld.

Considering the facts and circumstances of the case, material available on records, claims and counter claims made by learned counsels for the parties and on perusal of the impugned order passed by Addl. Collector, Saran as well as the remand order passed by this Court earlier, it is seen that in the instant case dispute between the parties basically relates to their respective claim of adjoining raiyat of the vended land. Both parties lay their claim on the ground of they stated to have purchased the land surrounding the disputed plots through sale deed and subsequently got the same registered thereafter. It is seen that the learned Addl. Collector, Saran has passed a detailed and speaking order appreciating the relevant facts of the case appropriately before arriving at the final findings of fact relating to claim of the parties. The learned counsel for the petitioner's failed to point out any specific illegality in the said order of learned Addl. Collector, Saran. His only contention is that the nature of land has been changed into Dih-basgit land and the petitioner qualify to be considered as adjoining raiyat. Since, this question has already been decided by the Addl. Collector, this Court does not find any reason to delve into same issue again.

For the aforementioned reasons, the impugned order of learned Addl. Collector, Saran is upheld and these two revision petitions, lacking merit is dismissed accordingly.

Dictated and Corrected by me.


26/5/2018
Commissioner
Saran Division, Chapra.


26/5/2018
Commissioner
Saran Division, Chapra.