

**In The Court of Commissioner, Saran Division, Chapra
Land Ceiling Revision case No. 321/2008**

Ram Kishun Singh & ors.

Vrs.

Chandrika Singh & ors.

ORDER

29.07.2015 - The instant revision petition is directed against the impugned order passed by Collector, Gopalganj in Land Ceiling 16(3) Appeal case No. 44/2007 on 08.12.2008.

The brief facts of the case are that the disputed piece of land measuring 2 katha 14 dhur, appertaining to khata No. 115, plot No. 365 & 366 situated in Mauza-Jhirawa, P.S.-Uchkagaon, Dist-Gopalganj was transferred through registered sale deed to one Chandrika Singh, S/o Late Sahdeo Singh by vendor Awadh Bihari Singh and Daroga Singh, both sons of late Nageshwar Singh, R/o of the same village. Thereafter, the present petitioner claiming himself to be the boundary raiyat of the adjoining land filed a pre-emption case before DCLR, Hathua vide case No. 2/2007-08. The learned DCLR after hearing the parties finally vide order dt. 05.10.2007 allowed the pre-emption. Feeling aggrieved by the said order, the present respondent preferred appeal before Collector, Gopalganj vide Land Ceiling 16(3) appeal case No. 44/07. The learned Collector, in turn vide his order dt. 08.12.2008 held that the order of DCLR was not legally correct and accordingly set aside the said order. On being aggrieved by and dissatisfied with the aforesaid order passed by the Collector, the present petitioner has preferred this revision case before this Court. The learned counsel for the o.ps was absent.

Heard the learned counsel for the petitioner.

The learned counsel for the petitioner submitted, at the very outset of his argument, that the impugned order is illegal, erroneous because the learned lower Court acted as a Civil Court and without going into the merit of the case and recital of the sale deed, set aside the order passed by SDO, Hathua. He further argued that the learned Collector without considering the documents and the affidavit of the petitioner that the purchaser was not a landless person, set aside the order of the learned SDO, assuming him to be a landless person. He further argued that the learned Court below wrongly held that the nature of land has been changed instead of affirming the finding of SDO that the petitioner is adjoining raiyat and also comes in the preview of the co-sharer. He lastly submitted that the impugned order is motivated and prejudice and therefore, fit to be dismissed.

The learned counsel for the o.ps is absent and on all previous dates he remained absent nor he filed his presence through formal Vakalatnama in the case. This obviously shows that the o.ps have no interest to defend their case. However, this Court is compelled to dispose of this case as the o.ps is not assisting the Court. Accordingly, this case is being disposed of in absence of o.ps.



Considering the facts and circumstances of the case, material available on record and on perusal of the impugned order, it is seen that the facts of this case is somewhat peculiar in nature in view of the fact that the disputed land was transferred initially through the gift deed, executed on 26.06.07 and it was also registered on the same day i.e. 26.06.07 whereas the pre-emptor filed his pre-emption application before the SDO on 26.06.07 itself and the same was admitted on 27.06.07. This clearly shows that action of vendor, vendee and pre-emptor is of some doubtful nature as held by learned Collector. But the learned Collector finally held that the claim of pre-emptor is not a valid claim and for his said findings he recorded substantial reasons also. I do not find any apparent illegality in the said order. The learned counsel for the petitioner miserably failed to point out any specific error of illegality in the said order so as to warrant any interference from this Court. As such the same is upheld.

In the result this revision petition is dismissed.

Dictated and Corrected by me.

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