

**BOARD OF REVENUE, BIHAR, PATNA.**Revision (Land Ceiling Pre-emption) Case No.- 142, 143,  
144 & 145/2002.**Dist.- Buxar****PRESENT :- K.K. Pathak, I.A.S.,  
ADDITIONAL MEMBER**

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Awadhesh Singh &amp; Ors.

Versus

- Petitioner/ Appellant

Most. Munishwari Devi &amp; Others-

- Opposite party

**Appearance:****For the Appellant :****For the OP :****ORDER**

01.12.2016

There are four analogous cases before the Board mainly case nos. 142, 143, 144 and 145 of 2002. All four cases belong to the similar parties. In the lower court these cases were respectively numbered as 2, 3, 4, 5 of 1993-94.

The matter was originally heard by the Learned DCLR in batches of two. case no-2 and 3 were heard together, Case no-4 and 5 were heard together. Accordingly the Appellate Authority viz. the Learned Collector also clubbed these cases. In all these cases the Learned DCLR vide his order dated 31.03.1994 upheld the pre-emption case of Sri Gopal Yadav and Sri Chhotak Lal Mishra against the OPs. In all these cases Sri Gopal Yadav and Sri Mishra one party and the opposite parties are husband and wife. After hearing both the parties the Learned DCLR held the order of pre-emption in favour of Sri Gopal Yadav and Sri Chhotak Lal Mishra. Aggrieved by this order, Sri Awadhesh Singh and Others appealed before the Learned Collector, Buxar. The Learned Collector found the appeal not justifiable and hence this revision before the Board.

This case has been pending before the Board since 2002. During the pendency of the case, it was once dismissed for default on 30.08.2007 and subsequently

की क्रम सं० गोपनीयता	2 आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>restored on 26.05.2008. Since then the matter has been heard a few times. There was a substitution petition also filed by the petitioner. The case was heard on 23.09.2014 and matter was also placed for final hearing. Both the parties were directed to file the written notes of arguments on that date which they had filed.</p> <p>Now today, the case has come up again for hearing. Heard the Learned Advocates of both the parties. There are four petitioners (Revisionist) in all the four cases namely, Sri Awadhesh Singh and his three sons namely, Vishun Singh, Harinarayan Singh and Ramkrishna Singh. During the pendency of the matter Sri Awadhesh Singh and his son Vishnu Singh have passed away. Vishnu Singh's son is Sri Mrityunjay Singh whose substitution is allowed. Learned Advocate of all the Respondents has no objection to it.</p> <p>It appears from perusal of the records of the lower courts, that the Opposite Party (who are the Revisionists in this Revision case) have purchased the land from the vendors Janardan Mishra, Deepnath Mishra and Most. Annapurna Devi. The Petitioners further claim that the land between these persons was duly partitioned. This court is of the view that this point in itself does not make the Petitioner the adjacent raiyat. Moreover, as per the site inspection report conducted by the Learned DCLR himself, it appears that Gopal Yadav (The Pre-emptor) was in deed in the possession of the land as duly endorsed by a couple of witnesses. The land was in peaceful possession of the pre-emptor. As such the Learned DCLR found no merit in the arguments forwarded by OPs (Revisionist in this case).</p> <p>Aggrieved by this order the Ops had approached the court of the Learned Collector who upheld the order of the Learned DCLR as the Appellant failed to bring any additional facts challenging the site inspection report of the Learned DCLR.</p> <p>Aggrieved by the order of the Learned Collector, the petitioners filed the Revision Petition. From</p>	

the perusal of the written notes of arguments submitted by both the parties it appears that the new facts have been brought out by the Revisionist. The Revisionist has not been able to put forth any convincing evidence to reject the site inspection report of the Learned DCLR. In cases no-4 and 5 of 1993-94 the witnesses have confirmed that the applicant Chhotak Lal Mishra is a co-sharer in the disputed property and in its peaceful possession. The same is apparent in the genealogy given at Annexure-1 of the written notes of argument.

As such, I don't see any reason to interfere with the orders of the Learned Collector. And hence this Revision Petition is rejected.

Dictated & Corrected

K.K.Pathak

Additional Member  
Board of Revenue, Bihar.

(K.K.Pathak)

Additional Member  
Board of Revenue, Bihar.