

आदेश की क्रम सं०  
और तारीख  
1

आदेश और पदाधिकारी का हस्ताक्षर

2

आदेश पर की गई  
कार्रवाई के बारे में  
टिप्पणी तारीख सहित  
3

## **BOARD OF REVENUE, BIHAR, PATNA**

Revision (Land Ceiling Pre-emption) Case No - 3/2018

District - Siwan

**PRESENT : - K.K. Pathak, I.A.S.,  
Additional Member**

=====

Sri Sheikh Adalat

- Petitioner/Revisionist

Versus

Sri Mustafa Ali Khan & Others

- Opposite Party

=====

### **Appearance**

For the OP

: Sri Chandra Kant

For the Appellant/Revisionist

: Sri Abhisek Kumar

## **ORDER**

21.03.2018

This is a Pre-emption proceeding where the Revision application was filed by the Revisionist against the order of the Learned Collector, Siwan passed on 29.01.2016 in the Pre-emption matter.

The Revision application was filed on 05.02.2018 after a delay of two years. The delay was condoned and the notices were issued to both the parties.

The hearing was taken up on 20.03.2018.

The Learned Advocate of the Revisionist who is the Pre-emptor, mentioned that the land is agricultural in nature



आदेश की क्रम सं०  
और तारीख  
1

आदेश और पदाधिकारी का हस्ताक्षर

2

आदेश पर की गई  
कार्रवाई के बारे में  
टिप्पणी तारीख सहित  
3

yet the Learned Collector held the land to be residential and therefore, did not allow the Pre-emption.

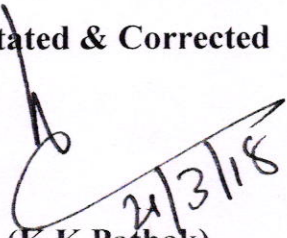
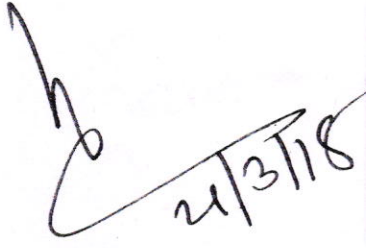
The Learned Advocate of the Opposite Party No. 3, who is the Vendee, argued that he would not go into the merit of the case but would rather challenge the petition on the grounds of jurisdiction, limitation and maintainability. He mentioned that since the order is passed by the Learned Collector, Siwan, therefore, the Revision should have been filed before the Hon'ble Commissioner and not before the Board of Revenue. The Petitioner therefore, has approached the wrong forum.

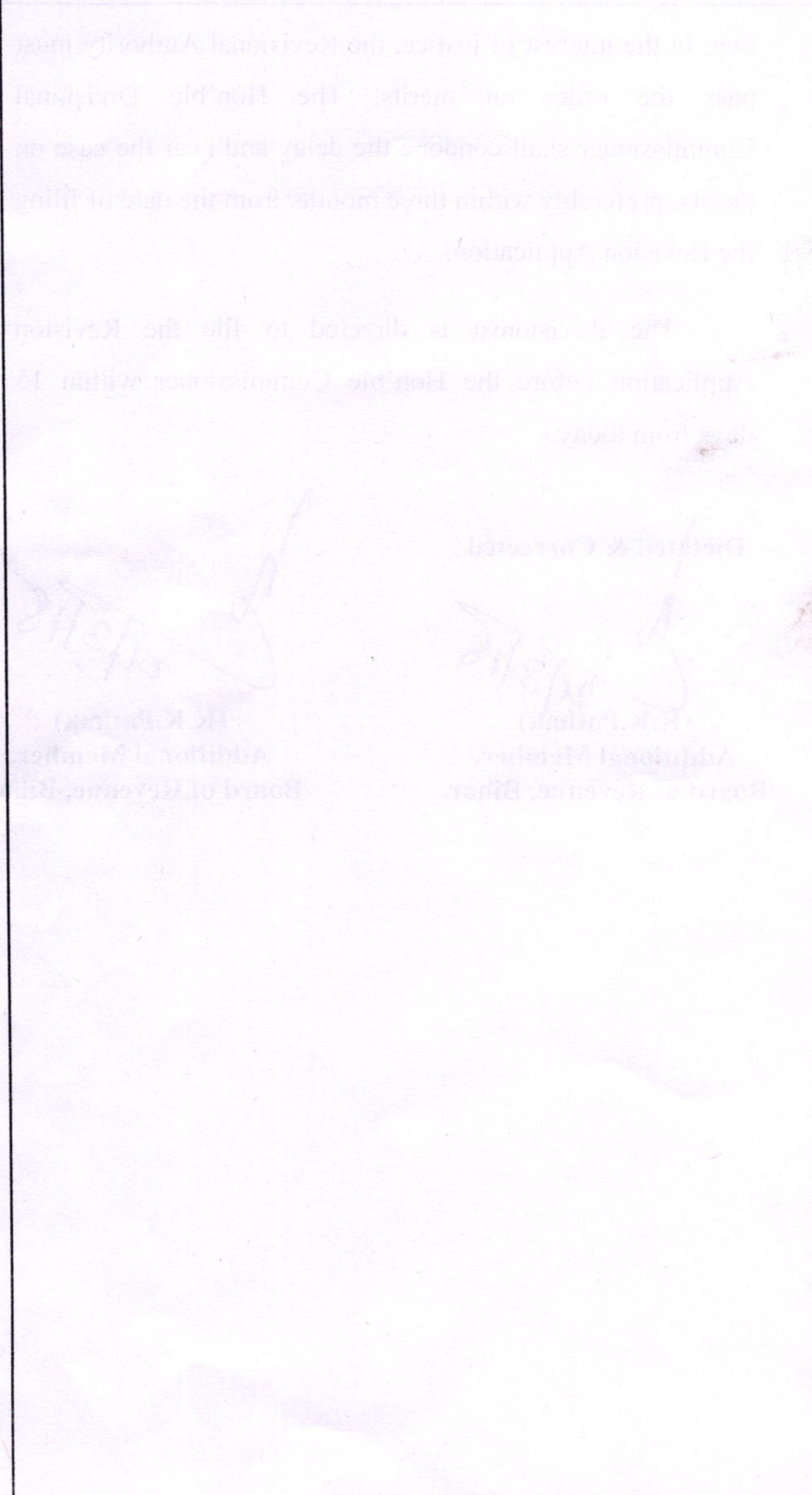
I see some merit in the averments made by the Learned Advocate of the OP No. 3. If an order is passed by the Learned Collector under Section 16 (3) of Bihar Land Ceiling Act 1961, the Revision shall lie before the Hon'ble Divisional Commissioner. The amendment carried out in the year 2006 clearly stipulates that the Revision against an order passed by a Collector shall lie before the Divisional Commissioner.

The Learned Advocate of the Petitioner agrees to this point and prays for permission to file the Revision before the Hon'ble Divisional Commissioner.

In light of the prayer made, I allow the Revisionist to file the Revision before the Hon'ble Divisional Commissioner. Although, a period of two years has passed since the Learned Collector, Siwan made the order, I feel



आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>that, in the interest of justice, the Revisional Authority must pass the order on merits. The Hon'ble Divisional Commissioner shall condone the delay and hear the case on merits, preferably within three months from the date of filing the Revision Application.</p> <p>The Revisionist is directed to file the Revision Application before the Hon'ble Commissioner within 15 days from today.</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">   <b>Dictated &amp; Corrected</b>  <b>(K.K.Pathak)</b>  <b>Additional Member,</b>  <b>Board of Revenue, Bihar.</b> </div> <div style="text-align: center;">   <b>(K.K.Pathak)</b>  <b>Additional Member,</b>  <b>Board of Revenue, Bihar.</b> </div> </div>	

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>  </p>	