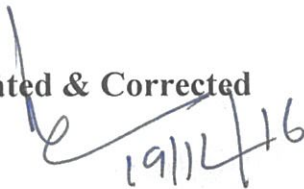
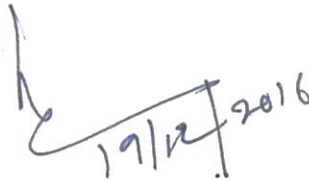


आदेश की क्रम सं० और तारीख 1	1 आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में दिप्पणी तारीख सहित 3
19.12.2016	<p style="text-align: center;"><u>BOARD OF REVENUE, BIHAR, PATNA.</u></p> <p style="text-align: center;">Revision (Land Ceiling Pre-emption) Case No.- 132/2005 Dist.- Siwan</p> <p>PRESENT :- K.K. Pathak, I.A.S., Additional Member</p> <p>=====</p> <p>Hari Kishore Prasad Verma - Petitioner/ Appellant Versus Smt. Phulpato Devi & Others- - Opposite party =====</p> <p><u>Appearance:</u> For the Appellant/Revisionist : Shri Naresh Prasad For the OP : Shri Pradyumn Prasad Singh</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Heard the Learned Advocate of the Revisionist. The Revisionist is the Pre-emptor also. The OPs are absent in spite of notices been sent to them.</p> <p>This Pre-emption case was filed on 10.06.2005 against the order of the Learned Collector dated 10.04.2005. The Case was admitted on 12.07.2005 and subsequent date was given for hearing. The LCR took time to reach and hence various dates were given.</p> <p>In the mean time, this Case was dismissed for default on 27.02.2013 because of continued absence of the Petitioners as well as the OPs. A Restoration petition was filed and case was restored on 04.06.2013. Since then, the</p> <p><i>h</i> <i>19/12/2016</i></p>	

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>case was partly heard on various dates. It was finally heard on 15.12.2016 and this final order is being passed.</p> <p>As per the Learned Advocate of the Revisionist, who is the Pre-emptor, OP No. 2 transferred the land to OP No. 1 concerning plot No 1973 of Khata No 421 area 12 Dhur on 15.03.2002. He further pleads that he is both the Co-Sharer and the adjoining raiyat. OP No 2 is the Pattidar of the Revisionist but he did not sell the land to him and sold it to OP No 1 who is rank outsider. OP No 1, thereafter, transferred the disputed land to OP No 3 who is the Daughter in Law of OP No 1 with a view to defeat the right of Pre-emption of the Revisionist.</p> <p>He further mentioned that the Learned DCLR and the Learned Collector rejected his Pre-emption case and hence he is filing this Revision petition. As per the order passed by the Learned DCLR, he held the land to be "Devasgeet" and also held that the plot is too small, therefore agriculture is not possible. Aggrieved at this order, the Revisionist approached the court of the Learned Collector who however upheld the order of the Learned DCLR.</p> <p>But as per the Learned Advocate, since the Revisionist is the Co-Sharer, the land should go to him. Moreover the nature of the land is agriculture whereas the OPs claim that they have put in their "Naand and Khutta".</p> <p>I have perused the material available on record as well as the Lower Court Records. From the perusal of the order of the Learned DCLR, it appears that it is an admitted fact that the Revisionist is the adjoining raiyat but the</p>	

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आदेश की क्रम सं० और तारीख 1	3 आदेश और पदाधिकारी का हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>Revisionist have not denied before the Learned DCLR that OP No 3 is a landless person or that, the disputed land is in the possession of the OP. Moreover the area of the land is so small that agriculture is not possible. Based on these facts, the Learned DCLR has rightly upheld that this is not a case where ceiling laws are to be applied. Similarly the Learned Collector also upheld the order of the Learned DCLR.</p> <p>I see no infirmity in the order the Learned DCLR. In spite of the fact that the Revisionist may be Co-Sharer and an adjacent raiyat, the fact of the matter is that the land is so small that it cannot be used for agriculture purpose. Moreover it is an admitted fact the land is in the possession of the OP No 3. The fact that the OP is a landless person has not been denied by the Revisionist. Accordingly I hold the land to be of residential category and therefore Pre-emption laws do not apply on such land.</p> <p>Therefore I uphold the order of the Learned DCLR and the Learned Collector.</p> <p>Revision Dismissed.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div data-bbox="400 1503 810 1805" style="text-align: center;"> <p>Dictated & Corrected</p>  <p>19/12/16</p> <p>K.K.Pathak Additional Member Board of Revenue, Bihar.</p> </div> <div data-bbox="842 1406 1246 1724" style="text-align: center;">  <p>19/12/2016</p> <p>(K.K.Pathak) Additional Member Board of Revenue, Bihar.</p> </div> </div>	