

आदेश फलक

| आदेश की क्र० सं० और तारीख | आदेश और पदाधिकारी का हस्ताक्षर | आदेश पर की कार्रवाई के बारे टिप्पणी तारीख स |
|------------------------------|--|---|
| 1 | 2 | 3 |
| 30.4.12 | <p style="text-align: center;"><u>COURT OF THE DISTRICT COLLECTOR</u> <u>WEST CHAMPARAN</u></p> <p style="text-align: center;">RM 16/10-11 Ramesh yadav and others Vs Chandrika Yadav and others u/s 30 of Land ceiling Act</p> <p style="text-align: center;"><u>ORDER</u></p> <p>1. This appeal has been filed by Ramesh Yadav and others against the order of DCLR, Bagaha in case no 21/06-07 u/s 16(3) of the Land Ceiling Act whereby the respondent I was given the benefit of preemption based on the fact that he is adjoining raiyat of the land in question on its Northern boundary.</p> <p>2. Heard all concerned and perused the LCR.</p> <p>3. The appellants purchased a plot of land Khata No 3, khesra no 128 area 10 katha of Mauza Bariarwa from respondent 2 and got it registered through sale deed no 5225/2006 on 8.8.2006.</p> <p>4. The respondent I filed a case no 21/06-07 u/s 16(3) in the Court of DCLR, Bagaha which was allowed on the ground that the purchaser is not a landless person and that the respondent I has been recorded as a adjoining raiyat of the aforementioned land on its Northern boundary.</p> <p>5. The appellant claims to be a landless person. He admits that his grandfather was awarded 13 bighas, 15 katha and 3 dhur in a partition suit of 50/1963. However, he points out that his share of land in the above is less than one acre and as such he is landless. The appellant submits a judgement in CWjC 4207 of 2001 reported in 2005(2) PLJR wherein it was held that in case the transferee gets less than one acre of land after partition in the family and as such he comes within the definition of landless persons,, preemption application is not maintainable.</p> | |

6. The respondent I submits that he is an adjoining raiyat on the Northern boundary. He also submits that apart from the decretal land, the appellant also holds other land which has been concealed by him. Details of lands obtained under right to information and copies of sale deeds were produced in support of the claim made. The appelland could not refute the evidence presented.

7. On perusal of the lower court record, it is clear that the claims of the appellant were considered by the DCLR, Bagaha who held that the appellant is not a landless person. The additional evidence adduced here also clearly points out that the appellant holds more land than he disclosed and certainly doesnot fall under the landless category.

8. Hence I find no reason to interefere in the order of DCLR Bagaha in case No 21/06-07. The order is upheld and appeal is hereby rejected.

R. S. S.
30/12/12

District Collector
West Champaran