

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14982 of 2017

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Mahendra Prasad Singh Son of Late Raghuvarsh Prasad Singh, Resident of Village-Tekanpura, P.S. Nawakothi, District Begusarai through his Power of Attorney Holder, Manoj kumar Chaudhary, Son of Late Ramsharan Chaudhary, Resident of Village-Mehan, P.O. & P.S. Dandari, District-Begusarai. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Additional Collector, Begusarai.
4. The Circle Officer,

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr. S.C. Yadav-Gp15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 06-07-2018 Heard both sides.

Learned counsel for the petitioner submits that by the impugned order dated 04.07.2017, passed in Ceiling Case No.19 of 1973-74, the petition of the petitioner filed under Section 5(i)(iii) of the Ceiling Act has been dismissed and the entire proceeding is abated in view of Bihar Act 18 of 2016 under which Section 45(B) of the Ceiling Act has been deleted and it is stated that all the proceeding reopened under Section 45(B) of the Ceiling Act shall stand abated.

Learned counsel for the petitioner has made specific averment that when the Ceiling proceeding bearing Ceiling Case No.19 of 1973-74 was initiated afresh after amendment of Section 32-B of the Ceiling Act in the year 1981, the Ceiling proceeding



remained pending. The petitioner filed objection under Section 5(i)(iii) of the Ceiling Act that he purchased the lands from the land holder and the proceeding is still pending. The proceeding was not reopened at any point of time under Section 45(B) of the Act and thus the abatement of the proceeding is illegal.

Learned counsel for the State is not in a position to assist the Court.

This writ petition is filed in the year 2017 but till date learned counsel for the State did not get any instruction nor filed any counter affidavit.

Taking into consideration the fact that Ceiling Case No.19 of 1973-74 was not re-opened under Section 45(B) of the Ceiling Act, therefore, abatement of the proceeding in which the petition of the petitioner filed under Section 5(i)(iii) of the Ceiling Act was pending is illegal.

Accordingly, the order dated 04.07.2017 passed in Ceiling Case No.19 of 1973-74 as contained in Annexure-1 is set aside. This writ petition is allowed. The matter is remitted to the Additional Collector, Begusarai to proceed afresh in accordance with law.

(Prabhat Kumar Jha, J)

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