

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1215 of 2017

In
Civil Writ Jurisdiction Case No.16127 of 2013

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1. Janardan Yadav andanr Son of Late Bhola Yadav
 2. Manoj Yadav Son of Janardan Yadav, Both are residents of Village - Kathdumar, Police Station - Simri Bakhtiarapur, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. Vivek Kumar Singh, the Principal Secretary, Department of Land Reforms, Bihar, Patna.
3. Mr. Vinod Singh Gunjiyal, the District Magistrate, Saharsa.
4. Mr. Uday Krishna, Additional Collector, Land Ceiling, Saharsa.
5. Mr. Dharmendra Pandit, Anchaladhikari, Simri Bakhtiarapur Block, District - Saharsa.
6. Sri Nirmal Kumar Singh Son of Late Mahendra Narayan Singh, Resident of Village - Sonapur, Police Station - Rosera, District - Samastipur.

... .. Opposite Party/s

with
Miscellaneous Jurisdiction Case No. 1218 of 2017
In
Civil Writ Jurisdiction Case No.17466 of 2013

Jeetan Yadav Son of Late Bhola Yadav, Resident of village - Kathdumar,
Police Station Simari Bakhtiarapur, District - Saharaa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. Vivek Kumar Singh, the Principal Secretary, Department of Land Reforms, Bihar, Patna
3. Mr. Vinod Singh Gunjiyal, the District Magistrate, Saharsa
4. Mr. Uday Krishna, Additional Collector, Land Ceiling, Saharsa
5. Mr. Dharmendra Pandit, Anchaladhikari, Simri Bakhtiarapur Block, District - Saharsa
6. Sri Nirmal Kumar Singh, Son of Late Mahendra Narayan Singh, Resident of village - Sonapur, Police Station Rosera, District - Samastipur

... .. Opposite Party/s

with



Miscellaneous Jurisdiction Case No. 1219 of 2017

In

Civil Writ Jurisdiction Case No.18088 of 2013

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Bouku Yadav Son of Late Bhola Yadav, Resident of village - Kathdumar,
Police Station Simari Bakhtiarpur, District - Saharaa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. Vivek Kumar Singh, the Principal Secretary, Department of Land Reforms, Bihar, Patna
3. Mr. Vinod Singh Gunjyal, the District Magistrate, Saharsa
4. Mr. Uday Krishna, Additional Collector, Land Ceiling, Saharsa
5. Mr. Dharmendra Pandit, Anchaladhikari, Simri Bakhtiarpur Block, District - Saharsa
6. Sri Nirmal Kumar Singh, Son of Late Mahendra Narayan Singh, Resident of village - Sonapur, Police Station Rosera, District - Samastipur

... .. Opposite Party/s

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with

Miscellaneous Jurisdiction Case No. 1217 of 2017

In

Civil Writ Jurisdiction Case No.18273 of 2013

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Dukha Yadav Son of Late Bhola Yadav, Resident of village - Kathdumar,
Police Station Simari Bakhtiarpur, District - Saharaa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. Vivek Kumar Singh, the Principal Secretary, Department of Land Reforms, Bihar, Patna
3. Mr. Vinod Singh Gunjyal, the District Magistrate, Saharsa
4. Mr. Uday Krishna, Additional Collector, Land Ceiling, Saharsa
5. Mr. Dharmendra Pandit, Anchaladhikari, Simri Bakhtiarpur Block, District - Saharsa
6. Sri Nirmal Kumar Singh, Son of Late Mahendra Narayan Singh, Resident of village - Sonapur, Police Station Rosera, District - Samastipur

... .. Opposite Party/s

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Appearance :

(In Miscellaneous Jurisdiction Case No. 1215 of 2017)

For the Petitioner/s : Mr.Shashi Dhar Jha

For the Opposite Party/s : Mr.Md. Khurshid Alam - AAG 12

(In Miscellaneous Jurisdiction Case No. 1218 of 2017)



For the Petitioner/s : Mr.Shashi Dhar Jha
For the Opposite Party/s : Mr.Md. Khurshid Alam - AAG 12
(In Miscellaneous Jurisdiction Case No. 1219 of 2017)
For the Petitioner/s : Mr.Shashi Dhar Jha
For the Opposite Party/s : Mr.Md. Khurshid Alam - AAG 12
(In Miscellaneous Jurisdiction Case No. 1217 of 2017)
For the Petitioner/s : Mr.Shashi Dhar Jha
For the Opposite Party/s : Mr.Md. Khurshid Alam -AAG12

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 06-03-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

This Court, vide order dated 22.07.2014, has directed the petitioners to file an application under section 45B of the Bihar Land Ceiling Act, 1961 and direction was given to complete the entire process within a period of six months from the date of filing of the application, but even after lapse of two years, the proceeding could not be concluded. In the meantime, legislature of Bihar has amended the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land), Act 1961 by amending Act 18 of 2016 whereby and whereunder a new provision of section 30 by way of 30 (4) has been added and amended thereby section 45B has been repealed, at the same time, section 45D has been brought into existence wherein it has been provided, all proceeding pending under section 45B would be treated to have abated.

In such view of the matter, this Court cannot give any direction to the Respondent to conclude the proceeding under



section 45B of the Act but there is a provision incorporated in terms of Section 30 (4) (i) or 30 (4) (ii), that gives power to the Collector or the Commissioner, upon his own knowledge or information is satisfied that the land holder by an act of fraud or misrepresentation of the fact or law has obtained the order in his favour, the Collector of a district or the Commissioner of a Division may initiate a fresh proceeding under the Act and after giving notice to the land holder would decide the dispute with regard to commission of fraud or misrepresentation. As the section 45B has been repealed and the proceeding initiated under 45B has abated, the petitioner if so advised or desired may take step as provided under section 30 (4) (i) read with section 30 (4) (ii) of the Act.

With the above observation, these applications are disposed of.

(Shivaji Pandey, J)

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