

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4302 of 2019

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Jogendra Rai S/o Sohan Rai Resident of Village-Jamuna,P.O. Musehari,P.S.
Chapra Mufassil,,Dist.Saran

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Land and Revenue Department, Govt. of Bihar, Patna
2. The Commissioner, Saran at Chapra
3. The District Magistrate, Saran at Chapra
4. The Additional Collector, Saran at Chapra
5. The Deputy Collector Land Reforms,Sadar,Saran at Chapra
6. Devendra Kumar Mishra S/o Bikramaditya Mishra Resident of VillageLulha Dhanow,P.S. Baniyapur,Dist.-Saran (Vendee)
7. Lalpati Kuar W/o Late Rajmahal Rai Resident of Village Jamuna,P.O. Musehari,P.S. Chapra Mufassil,Dist.-Saran
8. Kalawati Devi W/o Ashok Rai Resident of Village-Sahpur,P.O. Khudailbag,P.S. Khaira,Dist.-Saran,at present residing at Village Jamuna,P.S. Chapra Mufassil,Dist.-Saran(Vendors)

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwari
For the Respondent/s : Mr.Subhash Chandra Yadav (Gp15)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 05-04-2019 The petitioner is aggrieved by an order dated 19.09.2018 passed in B.L.T. Case No. 438 of 2018 by the learned Chairman, Bihar Land Tribunal, Patna, whereby the petitioner's challenge to an order dated 15.02.2018 has been turned down. The said Land Ceiling Revision Case No. 21 of 2018 had arisen out of a preemption proceeding under Section 16(3) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. The petitioner was



preemptor in the said proceeding.

Section 16(3) of the Act has since been repealed by the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019. Section 2 thereof reads thus :

“2. Amendment in Section-16 of the Act, 1961.-(1) Sub section (3) of Section-16 of the said Act is hereby repealed.

(2) In the Section-16 of the said Act, the following new sub section-(4) shall be added:-

"(4)(i) After the repeal of sub section-(3) of Section-16 of this Act, all cases or proceedings pending before the State Government, the Board of Revenue, the Bihar Land Tribunal, the Divisional Commissioner, the Collector, the Additional Collector, the Deputy Collector Land Reforms or in any other Court, shall be deemed to be abated.

(ii) Pursuant to the repeal of sub section-(3) of Section-16 of this Act, any purchase money together with a sum equal to 10% thereof, already legally deposited shall be refunded, without any interest, to the depositor."

In view of the said amendment, the petitioner's prayer cannot be entertained.

This application has become infructuous and is disposed of accordingly.

(Chakradhari Sharan Singh, J)

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