

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2323 of 2019

Sudama devi W/o Sri Rambhaos Mahto Village- P.O. Sadalpur
Khurd,Khudana-Rupspur,P.S. Korha,Dist.-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector,Purnea, Collectorate,At,P.O. Dist.-Purnea
3. Addl. Collector, Purnea,Ceiling,Purnea,P.O. Dist.-Purnea
4. Circle Officer,Korha, At P.O. Korha,Dist.-Katihar
5. Ajai Kr. Pathak S/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
6. Arun Kr. Pahtak S/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
7. Uday Kr. Pathak S/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
8. Vijai Kr. Pathak S/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
9. Abhay Kr. Pahtak S/o Late Nageshwar Pahtak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
10. Sanjay Kr. Pathak S/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
11. Pratibha Thakur D/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
12. Shashi Jha D/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
13. Prema Jha D/o Late Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea
14. Aparna Jha D/o Nageshwar Pathak Resident of Mohalla P.O. Madhubani-Dhobi Tolla,P.s. K.Hat,Dist.-Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Jaipuriyar Mr.Anshuman Jaipuriyar
For the	:	Mr.Raj Kishore Roy (GP-18) Mr. Mukul Prasad, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-02-2019 Heard learned counsel for the parties.

The petitioner has questioned an order passed by the Collector, Purnea, whereby he has refused to consider the petitioner's case in view of the amendment in the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961. By virtue of the provision under Section 45-D of the Act inserted after amendment, all proceedings pending



before the Collector, Board of Revenue, or even the Bihar Land Tribunal stand abated. Based on the said provision, the Collector has passed the impugned order.

Learned counsel, appearing on behalf of the petitioner, has submitted that the remand to the Collector was made by the Board of Revenue way back on 24.03.1992 and since the matter remained pending for 26 years, the petitioner cannot be non-suited on the ground of subsequent amendment in the Act. He has also submitted that the validity of the Act is under challenge before this Court in some other proceeding.

Be that as it may, in the facts and circumstances of the case, I do not find any illegality in the order, passed by the Collector.

This writ application is disposed of with the only observation that the petitioner shall be at liberty to raise the issue, which has been raised in the present proceeding after any decision comes by this Court or the Supreme Court on the point of validity of the amending Act.

(Chakradhari Sharan Singh, J)

HR/-

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