

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.993 of 1996

- 1.1. Dilip Kumar Gupta, Son of Late Haridyanand Sah, Resident of Village Karbandi, P.S.- Natwar, District- Rohtas
- 1.2. Anil Kumar Gupta, Son of Late Haridyanand Sah, Resident of Village- Karbandi, Police Station- Natwar, District- Rohtas
- 1.3. Sunil Kumar Gupta, Son of Late Haridyanand Sah, Resident of Village- Karbandi, Police Station- Natwar, District- Rohtas
- 1.4. Shanti Devi, Daughter of Late Haridyanand Sah, Wife of Sri Rajendra Prasad Gupta Resident of Village- Baranw (Baraicha), P.O.- Padraiya, P.S.- Badhaila (Rajpur), District- Rohtas, Sasaram
- 1.5. Meera Devi, Daughter of Late Haridyanand Sah, Wife of Sri Bhagawan Prasad Gupta, Village- Gangaadhi, P.O.- Saisandh, P.S.- Dinara, District- Rohtas, Sasaram
- 1.6. Manju Devi, Daughter of Late Haridyanand Sah, Wife of Sri Bhikhari Prasad Gupta Village- Danwar, P.O.- Danware, P.S.- Kachhawan, District- Rohtas (Sasaram)

... .. Appellant/s

Versus

1. The State of Bihar
2. Additional Member, Board of Revenue, Bihar, Patna
3. Additional Collector, Rohtas at Sasaram, District- Rohtas
4. Deputy Collector, Incharge Land Reforms, Bikramganj, District- Rohtas
- 5.1. Ram Bihari Sah, Son of Late Shiv Bhuwan Sah Resident of Village- Karaundi, P.O.- Saraon, P.S.- Natwar, District- Rohtas, Sasaram
- 5.2. Siya Ram Sah. Son of Late Shiv Bhwan Sah Resident of Village- Karaundi, P.O.- Saraon, P.S.- Natwar, District- Rohtas, Sasaram
- 5.3. Shambhu Sah, Son of Late Shiv Bhuwan Sah Resident of Village- Karaundi, P.O.- Saraon, P.S.- Natwar, District- Rohtas, Sasaram
- 5.4. Surendra Sah Son of Late Shiv Bhuwan Sah Resident of Village- Karaundi, P.O.- Saraon, P.S.- Natwar, District- Rohtas, Sasaram
- 5.5. Suman Sah, Son of Late Shiv Bhuwan Sah Resident of Village- Karaundi, P.O.- Saraon, P.S.- Natwar, District- Rohtas, Sasaram
- 5.6. Smt. Shanti Devi, Daughter of Late Shiv Bhuwan Sah, Wife of Radhe Prasad Gupta Resident of Village and P.O.- Barka Gao, P.S.- Tarari, District- Bhojpur, Ara
6. Most. Kasturba Kuer Widow of Late Krishna Prasad Resident of Village- Karbandi, Police Station- Natwar, District- Rohtas
7. Anand Prasad, Son of Late Krishna Prasad Resident of Village- Karbandi, Police Station- Natwar, District- Rohtas

... .. Respondent/s



with
Letters Patent Appeal No. 994 of 1996

- 1.1. Dilip Kumar Gupta, Son of Late Haridyanand Sah, Resident of Village- Karbandi, P.S.- Natwar, District- Rohtas
- 1.2. Anil Kumar Gupta, Son of Late Haridyanand Sah Resident of Village- Karbandi, P.S.- Natwar, District- Rohtas
- 1.3. Sunil Kumar Gupta, Son of Haridyanand Sah Resident of Village- Karbandi, P.S.- Natwar, District- Rohtas
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- 1.6. Manju Devi, Daughter of Late Haridyanand Sah, Wife of Sri Bhikhari Prasad Gupta Village- Danwar, P.O.- Danware, P.S.- Kachhawan, District- Rohtas (Sasaram)

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7. Anand Prasad Son of Late Krishna Prasad Resident of Village- Karbandi, Police Station- Natwar, District- Rohtas

... .. Respondent/s



with
Letters Patent Appeal No. 995 of 1996

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- 1.2. Anil Kumar Gupta Son of Late Haridyanand Sah Resident of Village- Karbandi, P.S.- Natwar, District- Rohtas
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- 1.4. Shanti Devi Daughter of Late Haridyanand Sah, Wife of Sri Rajendra Prasad Gupta Resident of Village- Baranw (Baraicha), P.O.- Padraiya, P.S.- Badhaila (Rajpur) District- Rohtas, Sasaram
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7. Anand Prasad Son of Late Krishna Prasad Resident of Village- Karbandi, Police Station- Natwar, District- Rohtas

... .. Respondent/s



Appearance :

For the Appellant/s : Mr. Shashi Shekhar Dwivedi, Sr. Advocate
Mr. Shashi Bhushan Kumar, Advocate
Mr. Parth Gaurav, Advocate
For the Respondent/s : Mr. T.N. Matin, Sr. Advocate
Mr. Akhouri Vipin Bihari Shrivastava, Advocate
Ms. Patla Kumari, Advocate
Mr. K.N. Choubey, Sr. Advocate
For the State : Mr. Prabhakar Jha, GP-27
Mr. Umesh Narayan Dubey, AC to GP 27.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-12-2019

Heard learned counsel for the parties.

2. The appellants have prayed for the following relief:

“It is, therefore, prayed that your Lordships may graciously be pleased to admit these appeals, issue notice, call for the records of the case and after hearing the parties be pleased to set aside the impugned judgment and order dated 22.8.1996 passed in C.W.J.C. Nos. 10007, 10008 & 10009 of 1994 and allow the appeals with cost throughout.”

3. Learned Single Judge, not finding favour with the original appellant Smt. Tulsi Devi (since dead), while dismissing the petition filed under Article 226 of the Constitution of India, affirmed the order dated 8.10.1994 passed by the Member, Board of Revenue in Revision Case Nos. 228 of 1994, 229 of 1994 and 230 of 1994. The said order was passed under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of



Surplus Land) Act, 1961 qua the writ petitioner who claimed herself to be an adjoining raiyat of the vended plot having got her residential house situated just adjacent to the land in question.

4. It is seen that now there is a legislative amendment in the Principal Act and by virtue of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Amendment Act, 2019, 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 any other Court are deemed to have abated.

5. The pre-emptor/purchaser has not been rendered remediless. He is entitled to, by virtue of the amending Act, certain amounts.

6. In view of the change in position of law, we find the present proceeding to have abated.

7. At this stage our attention is invited to the fact that validity of the Amending Act is pending consideration before this Court. Ordinarily, we would have refrained from passing such order, but for the fact that the present appeals pertain to the year 1996, we proceeded to hear the same. However, since validity of the Amending Act is pending consideration before this Court, we



grant liberty to either of the parties to get these appeals revived, if need so arises, after final adjudication with regard thereto.

8. With the aforesaid, the present appeals are disposed of as having abated.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09-12-2019
Transmission Date	NA

