

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12679 of 2002

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1 MOST. UMA KUER wife of Late Ram Prasad Singh
2. Raghav Singh, son of Late Ram Prasad Singh
3. Parmila Devi, wife of Late Brij Kishore Singh
4. Randhir Kumar Singh, son of Late Late Brij Kishore Singh
5. Prince Kumar Singh, son of Late Brij Kishore Singh, all residents of village-Kalyanpur Madhubani, P.S. Sighwalia, Distt. Gopalganj

... .. Petitioner/s

Versus

1. Smt. Geeta Devi, wife of Sri Sheo Kumar Singh, resident of Village Sampur, P.S. Mohamadpur, district Gopalganj
2. Upendra Singh, son of Paras Nath Singh, resident of Village-Kalyanpur, P.S. Sidhwalia, District Gopalganj
3. The Additional Member, Board of Revenue, Bihar, Patna
4. The Collector, Gopalganj
5. The Deputy Collector Land Reforms, Gopalganj
6. The State of Bihar

... .. Respondent/s

Appearance:

For the Petitioners

: Mr. S.S.Dwivedi, Sr. Advocate

Mr. Parth Gaurav

For Respondent no.1

Mr. Bishnukant Dubey

Mr. Ranjit Kumar

For the State

Mr. Pratik Kr. Sinha, AC to GA-V

Mr. Ajay

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

8 24-07-2019 I.A. No. 02 of 2019 has been filed, seeking substitution, consequent upon the death of petitioner no.3. The legal heirs of petitioner no.3, proposed to be substituted, have been described in paragraph 2 of the said application.

Learned counsel for the parties do not have any objection to such substitution.

I.A. No. 02 of 2019 is accordingly allowed. Let the name of petitioner no.3 be expunged from the cause title of the writ



application and, in his place, names of his heirs and legal representatives, as described in paragraph 2 of the said application, be substituted.

An order dated 30.09.2002, passed by the learned Additional Member, Board of Revenue in Board of Revenue Case No. 129 of 2002 is under challenge in the present writ application. The revision application before the Board of Revenue arose out of a pre-emption case, preferred by the original petitioner under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961(for short 'the Act of 1961'). The said provision has been repealed with the coming into force of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 (for short 'the (Amendment) Act, 2019'). The original petitioner was pre-emptor, whose application claiming pre-emption was initially allowed by the Deputy Collector Land Reforms, but subsequently turned down in revision.

In my view, consequent upon the amendment in the Act of 1961, leading to repeal of Section 16(3) thereof, and introduction of sub-section (4) therein, this writ application has become infructuous. It is accordingly dismissed.



It goes without saying that the petitioners shall be at liberty to apply for return of the amount deposited by the original petitioner, while making claim for pre-emption in view of clause (ii) to sub-section (4) of Section 16 of 'the (Amendment) Act, 2019'.

(Chakradhari Sharan Singh, J)

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