

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1629 of 1993

Jawahar Singh, son of Late Ram Prasad Singh, resident of village-Baiju Barhoga, Police Station-Basantpur, District-Siwan.

... .. Petitioner

Versus

1. The State of Bihar
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Collector, Siwan.
4. The Additional Collector, Siwan.
5. The Sub Divisional Magistrate, Siwan.
- 6 (i) Rakesh Kumar Sinha
- 6 (ii) Santosh Kumar Sinha
7. Umesh Prasad, Son of Late Shivnandan Lal
all resident of village-Baiju Barhoga, Police Station-Basantpur,
District-Siwan.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra 2
For the Respondent/s : Mr.Md.J.Rahman Sc

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 17-06-2019 The petitioner seeks following reliefs in the present writ application :-

“(i) A writ in the nature of certiorari or any other appropriate writ/order or direction quashing the order dated 19.08.92 passed by the Additional Member, Board of Revenue, Bihar, patna in Revision Case No. 573 of 1989.

(ii) A writ in the nature of certiorari or any other appropriate writ/order or direction quashing the order dated 7.11.89 passed by the Collector, iwan in Appeal No. 232 of 83-84/10 of 89-90.

(iii) A writ in the nature of mandamus or any other appropriate writ/order or direction affirming and upholding the order dated 11.5.79 passed by the Additional Collector, Siwan in Land Ceiling Appeal No. 909/78-79.

(iv) A writ in the nature of mandamus or any other appropriate writ/order or direction affirming and



upholding the order dated 29.3.78 passed by the Sub-Divisional Magistrate, Siwan in L.C. Case No. 67 of 1970-71.

(v) A writ in the nature of mandamus or any other appropriate writ/order or direction commanding the respondents not to interfere with the right, title and possession of the petitioner with respect to the lands in question.

(vi) Any other appropriate writ/order or direction which Your Lordships deem fit and proper.”

The present matter relates to preemption and Section 16(3) of the Act has been repealed with coming into force of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 (hereinafter referred to as ‘the Amendment Act, 2019’). Sub-section (2) of Section 2 of the Amendment Act, 2019 states, *inter alia*, that pursuant to repeal of Section 16(3) of the 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 provisions under the Amendment Act, 2019, no relief, which the petitioner is claiming, can be granted.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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