

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9564 of 2019

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1. Md. Sagir Alam Son of Md. Rafique R/o Village-Mohammadpur Beraï alias Shankarpur, Post office-Chakmajahid, Anchal and P.S.-Mahua, District-Vaishali
 2. Md. Haroon alias Md. Hassan S/o Md. Rafique R/o Village-Mohammadpur Beraï alias Shankarpur, Post office-Chakmajahid, Anchal and P.S.-Mahua, District-Vaishali

... .. Petitioners

Versus

1. The State of Bihar
2. The Commissioner Tirhut Division, Muzaffarpur
3. The Collector Vaishali at Hajipur
4. The Addl. Collector Vaishali
5. The D.C.L.R. Mahua District-Vaishali
6. Smt. Pramila Devi Wife of Shri Ram Baran Sah R/o Village-Gauspur Chakmajahid, Post Office-Gauspur Chakmajahid, P.s. Mahua, District-Vaishali
7. Md. Yasin Son of Sheikh Mohammad Hanif R/o Village-Gauspur Chakmajahid, Post Office-Gauspur Chakmajahid, P.s. Mahua, District-Vaishali

... .. Respondents

Appearance :

For the Petitioners : Mr. Shashi Bhushan Kumar
For the Respondent State: Mr. Rishi Raj Sinha (Sc19)
Mr. Birendra Pd. Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-05-2019 An order passed by the Bihar Land Tribunal in B.L.T.

Case No. 1381 of 2015 is under challenge in the present writ application, whereby the petitioners' claim of preemption under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as 'the Act'), has been turned down.



It is evident from the impugned order that though the Deputy Collector Land Reforms has allowed the petitioners' claim for preemption, their claim was turned down, subsequently, by the appellate authority and affirmed by the revisional authority.

Be that as it may, the petitioners' claim for preemption is under Section 16(3) of the Act, which provision has been repealed with coming into force of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019. No relief, therefore, can be granted as the provisions itself has been repealed. Section 2 of the Amendment Act is reproduced hereinbelow :-

“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(1) Sub section (3) of Section-16 of the said Act is hereby repealed.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, the depositor.”



Learned counsel appearing on behalf of the petitioners had attempted to persuade this Court that the repeal will have prospective effect only. I do not find any force in the submission made on behalf of the petitioners in view of the clear language of the Amendment Act.

This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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