

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.718 of 2017

1. Rama Nand Prasad
2. Ram Prit Mahto, Both Sons of Late Dhunmun Mahto, resident of village and P.O. Manikpura, P.S. Goraul, District - Vaishali

... .. Petitioners

Versus

1. The State Of Bihar
2. The Additional Collector, Vaishali at Hajipur
3. The Deputy Collector Land Reforms, Mahua, Vaishali
4. The Yugal Singh, S/o Late Dwarika Singh, R/o village and P.O. Manikura, P.S. Goraul, District - Vaishali
5. Baidya Nath Chaudhary, S/o Jhari Lal Chaudhary, R/o village and P.O. Manikura, P.S. Goraul, District - Vaishali

... .. Respondents

Appearance :

For the Petitioners : None
For the Respondent State: Mr.W.A.Khan, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 10-07-2019 The defect, as pointed out by the stamp reporter, has not been removed despite liberty having been given by order dated 24.01.2017.

Learned counsel for the petitioners is not present.

Aggrieved by an order dated 08.07.2016 passed by the learned Chairman, Bihar Land Tribunal, Patna, in B.L.T. Case No. 432 of 2015 and B.L.T. Case No. 449 of 2015, this writ application has been filed.

In a preemption proceeding, under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and



Acquisition of Surplus Land) Act, 1961, the petitioners were preemptors. Their claim of preemption was denied by the Commissioner, Tirhut Division, Muzaffarpur, by an order dated 03.02.2015 passed in Land Ceiling Revision Case No. 411 of 2012 and Land Ceiling Revision Case No. 412 of 2012. The revision applications were filed by the purchasers. It is also to be noted that the Deputy Collector Land Reforms had dismissed the preemption cases filed by the petitioners, which was set aside by the appellate authority, i.e., the Additional Collector, Vaishali at Hajipur, by his order dated 24.07.2012, which order of the Additional Collector was subsequently set aside by the Commissioner, Tirhut Division, exercising revisional jurisdiction. The said order, dated 03.02.2015, passed by the Commissioner, Tirhut Division, was assailed before the Tribunal, which has been affirmed by the impugned judgment and order.

Section 16(3) of the Act has been repealed with coming into force of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019.

In view of the provisions under the Amendment Act, 2019, no relief, which the petitioners are claiming, can be granted.



This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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