

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.558 of 2016
In
Civil Writ Jurisdiction Case No.7807 of 1992

1. Md. Tauhid
2. Abul Kalam
3. Jahangir Hussain All sons of Md. Belal, resident of Village- Paharia, P.S.-
Bainisi Baisi, District- Purnea.

... .. Appellant/s

Versus

1. Md. Kadir, son of Late Md. Ishaque, resident of Village- Paharia, P.O. and
P.S. Baisi, District- Purnea.
2. Md. Yasin, son of Late Haji Inamul Haque, resident of Village- Kawenagar,
Panisadre, P.O. and P.S. Baisi, District- Purnea.
3. The State of Bihar.
4. The Member, Board of Revenue, Bihar, Patna.
5. The D.C.L.R., Purnea.
6. The Additional Collector, Purnea.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Kameshwar Prasad Gupta
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2019

Heard learned counsel for the parties.

2. The appellants have prayed for the following
relief/s:

“for setting aside the judgment and order dated
22.06.2015 passed by the Hon’ble Single Bench of
this Hon’ble High Court presided over by the



Hon'ble Mr. Justice Chakradhari Sharan Singh in C.W.J.C. No. 7807 of 1992 whereby the writ application has been dismissed affirming the order dated 30.05.1992 passed by the learned Additional Member, Board of Revenue, Bihar, Patna in Board Revision Case No.33 of 1991, Annexure-7 and affirming the order dated 22.01.1991 passed in Appeal No.242/85-86/03-89 by the Additional Collector, Purnea AND it is further prayed that after setting aside these judgments and orders, the order dated 20.08.1985 passed by the Deputy Collector, Land Reforms, Sadar, Purnea whereby the application under section 16(3) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 was rejected, be affirmed."

3. Learned Single Judge, not finding favour with the original appellants, while dismissing the petition filed under Article 226 of the Constitution of India, affirmed the order dated 30.05.1992 passed by the learned Additional Member, Board of Revenue in Board Revision Case No. 33 of 1991 (Md. Abid Hussain & Ors. Vrs. Md. Kadir & Ors.). 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 petitioners who claimed themselves to be the adjoining raiyats of the vended plot/s 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 2016, 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 appeal is disposed
of as having abated.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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