

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1240 of 2018

In
Civil Writ Jurisdiction Case No.2177 of 1992

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1. Vijay Pratap Thakur Son of Late Rama Shankar Thakur, Grand Son of Late Megh Nath Thakur,
 2. Dina Nath Thakur, Son of Late Kabilas Thakur, Nephew of Late Megh Nath Thakur,
Both residents of Village- Pokharahan, Police Station- Bagen Gola, P.O.- Pokharahan, District- Buxar.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Director Consolidation at Patna, Police Station- Kotwali, District- Patna.
3. The Deputy Director Consolidation at Arrah, Police Station- Arrah Town, District- Bhojpur.
4. Consolidation Officer, Brahampur, P.S. and P.O.- Brahampur, District- Bhojpur now in Buxar District
5. Sita Ram Hazam, Son of Late Khedan Hazam, Resident of Village- Pokharahan, Police Station- Bagen Gola, P.O.- Pokharahan, District- Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Amit Anand, Adv.
For the Respondent/s : Mr.Md.Khurshid Alam -Aag12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 19-12-2019 Heard learned counsel for the parties.

The appellants have prayed for the following relief/s:

“It is, therefore, prayed that Your Lordship would graciously be pleased to admit this L.P.A. and after hearing set aside the impugned order and allow the prayer made in C.W.J.C. No.2177 of 1992.”



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.

The pre-emptor/purchaser has not been rendered remediless. He is entitled to, by virtue of the amending Act, certain amounts.

In view of the change in position of law, we find the present proceeding to have abated.

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 appeal pertains to the year 2018, 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.



With the aforesaid, the present appeal is disposed of
as having abated.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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