

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12748 of 2017

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Manoj Kumar of Late Shankar Giri, Resident of Village- Bodh Gaya, P.S.-
Bodh Gaya, District- Gaya Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The District Collector, Gaya.
5. The Deputy Collector, Land Reforms, Gaya.
6. The Sub Divisional Officer, Gaya.
7. The Circle Officer, Bodh Gaya, Bihar. null null

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 12304 of 2017

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Goswami Badri Narrayan Giri S/o Late Sata Nand Giri Resident of Village -
Bodh Gaya, P.S. - Bodh Gaya, District - Gaya Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The District Collector, Gaya.
5. The Deputy Collector, Land Reforms, Gaya.
6. The Sub Divisional Officer, Gaya.
7. The Circle Officer, Bodh Gaya, Bihar.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 12748 of 2017)

For the Petitioner/s : Mr.Ranjeet Tiwary

For the Respondent/s : Mr.Lalit Kishore-AG

(In Civil Writ Jurisdiction Case No. 12304 of 2017)

For the Petitioner/s : Mr.Ranjeet Tiwary

For the Respondent/s : Mr.Lalit Kishore -AG

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER



7 07-02-2019 The petitioners in both these applications want a ceiling proceeding, which stood concluded long back, to be reopened under Section 45(B) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961(hereinafter referred to as 'the Act'). They had made applications before the Collector of the concerned district which was rejected mainly on the ground that the Collector did not have any jurisdiction to entertain such prayer. The petitioners appear to have approached the Bihar Land Tribunal (hereinafter referred to as 'the Tribunal') thereafter against the decision of the Collector. The Tribunal has held their applications to be not maintainable and while granting liberty for petitioners to approach the concerned Minister for reopening of the ceiling case, the petitions before the Tribunal were allowed to be withdrawn. The petitioners thereafter approached the Minister for reopening of the ceiling case. During the pendency of their applications before the Minister, amendments came to be introduced under the Act by Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus Land) Amendment Act, 2016. By virtue of the said amending Act Section 45(B) has been repealed and Section 45(D) has been inserted. Section 45 (D) reads thus:-



“45D. **45D.** After repeal of section-45 B of this Act, proceedings pending before the State Government or the Bihar Land Tribunal shall be deemed to be abated and the proceeding reopened earlier under deleted section-45 B and pending before the collector shall also stand abated.”

The petitioners have questioned the validity of the said amendment, whereby Section 45B was repealed and Section 45D has been inserted in the Act. Subsequently, however, the petitioners appear to have withdrawn their challenge to the legal validity of the amending Act.

In view of the clear language of Section 45 D of the Act as amended, the relief which the petitioners are seeking cannot be granted.

Learned counsel appearing on behalf of the petitioners has submitted that validity of the amending Act is under challenge before this Court which is pending. He submits that right of these petitioners may be protected by this Court subject to any decision to be rendered by this Court on question of the validity of the amending Act.

It goes without saying. Though the relief which the petitioners are seeking cannot be granted in the background of the circumstances noted above, it is observed that the petitioners



shall be at liberty to raise their grievance depending upon the decision of this Court on the question of validity of the amending Act.

These applications stand disposed of.

(Chakradhari Sharan Singh, J)

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