

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12110 of 2019

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Smt. Malti Devi, Wife of Keshav Bihari Singh, resident of Village- Senduar,
P.S. Ekma, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reform Department, Bihar, Patna.
2. The Chairman, Bihar Land Tribunal, Bihar, Patna.
3. The Divisional Commissioner, Saran at Chapra.
4. The Collector, Saran at Chapra.
5. The Additional Collector, Saran at Chapra.
6. The Deputy Collector, Land Reforms, Saran at Chapra.
7. Smt. Shobha Devi, Wife of Shri Raj Bihari Singh, resident of Village Senduar, P.S.- Ekma, District- Saran at Chapra.
8. Raghubansh Narayan Singh, S/o Ram Dayal Singh, resident of Village Senduar, P.S.- Ekma, District- Saran at Chapra.
9. Kamal Bansh Narayan Singh, Son of Ram Dayal Singh, resident of Village Senduar, P.S.- Ekma, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kr Singh No.1
For the State	:	Mr.Subhash Chandra Yadav (GP-15)
		Ms. Sangha Mitra Ghosh, AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-07-2019 The petitioner has put to challenge an order dated

13.03.2019, passed by the Bihar Land Tribunal, Patna in B.L.T.

Case No. 461 of 2018, paragraph 3 of which reads thus:-

“3. Learned counsel for both the parties have jointly submitted that in view of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land)



(Amendment) Act, 2019 (hereinafter referred to as 'Amendment Act' 2019) the present cases will abate. The perusal of the provision of the said Amendment Act, 2019 demonstrate that a new sub section (4) has been added in Section 16 of the original Act and rules as follows:-

“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.”

In view of the aforesaid newly added provision there remains no doubt that the present cases including the proceeding for pre-emption as initiated at the instance of opposite party no.1 shall abate. Opposite party no.1 is now entitled to refund of the purchase money together with as sum equal to 10% thereof which has been deposited but



without any interest.

These applications are
accordingly dismissed.”

I do not find any illegality in the impugned order,
which requires any interference by this Court. Further, it is
evident from the impugned order that the same has been passed
on the basis of the submissions made on behalf of the parties.

The writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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