

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14619 of 2019

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1. Munna Devi Wife of late Bhairo Singh, Resident of Village- Dariyapur, P.S. Dariyapur, District- Saran.
 2. Ram Babu Singh, Son of late Bhairo Singh, Resident of Village- Dariyapur, P.S. Dariyapur, District- Patna.
 3. Shyam Babu Singh, son of late Bhairo Singh, Resident of Village- Dariyapur, P.S. Dariyapur, District- Patna.
 4. Lal Babu Singh, Son of late Bhairo Singh, Resident of Village- Dariyapur, P.S. Dariyapur, District- Patna.
 5. Tuntun Singh, Son of late Bhairo Singh, Resident of Village- Dariyapur, P.S. Dariyapur, District- Patna.
 6. Raj Kali Devi, D/o of late Bhairo Singh, Resident of Village- Dariyapur, P.S. Dariyapur, District- Patna.

... .. Petitioners

Versus

1. The State of Bihar through its Principal Secretary, Land Reforms Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran.
4. The Additional Collector, Saran, Chapra.
5. The Deputy Collector Land Reforms, Sonapur, Saran, Chapra.
6. Dukhan Singh, Son of late Deo Kumar Singh, Resident of Village- Dariyapur, P.S. Dariyapur, District- Saran.

... .. Respondents

Appearance :

For the Petitioners	:	Mr.Ram Kishore Singh Mr. Amit Kumar Singh
For the Respondent State:		Mr. W.A. Khan, AC to SC-25

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-07-2019 In the preemption proceeding under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as 'the Act of 1961'), the petitioners were preemptors. Their Claim of preemption was allowed up to the revisional authority.



They had filed an application for execution of the order, whereby their claim of preemption was allowed. In the meanwhile, against the order of the revisional authority, i.e., Commissioner, Saran Division, Chapra, dated 01.10.2018, the purchaser preferred an application before the Bihar Land Tribunal, Patna, under Bihar Land Tribunal Act, 2009, giving rise to B.L.T. Case No. 212 of 2019.

Taking note of the provisions, under the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 (hereinafter referred to as 'the Amendment Act, 2019'), whereby Section 16(3) of the Act of 1961 has been repealed and Section 16(4) has been added, providing for abatement of all the proceeding and cases under the aforesaid provision, the Tribunal has disposed of the said application by order dated 22.04.2019, holding that the case shall be deemed to have abated. Obviously, in the light of the order of the Tribunal, the Deputy Collector Land Reforms, Sonapur, has dropped the execution case.

Learned counsel appearing on behalf of the petitioners submits that right of the petitioners under Section 16(3) of the Act of 1961 had crystallized before coming into force of the Amendment Act of 2019, therefore, the Deputy Collector Land



Reforms ought not to have dropped the execution case. He has submitted that subsequent amendment should not be allowed to affect the rights of the petitioners, which stood crystallized.

In my opinion, the language of Section 16(4) of the Act, which provides for abatement is quite clear. The effect of abatement, in view of the language used in the Act, is wiping off of the entire proceeding under Section 16(3) of the Act of 1961. I, therefore, do not find any infirmity in the action/order under challenge.

This application has no merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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