

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15206 of 2019

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Prem Kishor Singh S/o Late Nageshwar Singh Resident of Village-
Methurapur, P.O.- Garhi, P.S. and Anchal/ Block- Jandaha, Dist.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue of Land Reforms,
Govt. of Bihar, Patna.
2. Additional Collector Land Ceiling Vaishali.
3. Dy. Collector Land Reforms Vaishali.
4. Md. Saddir Hussain S/o Md. Jalil R/o Vill.- Upraul, P.S. and Anchal-
Desarai, Dist.- Vaishali.
5. Md. Saddique Hussain S/o Late Rahman Mian Resident of Village-
Methurapur, P.O.- Garhi, P.S. and Anchal- Jandaha, Dist.- Vaishali.
6. Juwaida Khatoon W/o Md. Moces Resident of Village- Muslimtola, P.S.-
Tajpur, Dist.- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bana Jha, Advocate Mr. Sachin Kumar, Advocate
For the Respondent/s	:	Mr. W.A. Khan, AC to SC-25

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-07-2019 Heard the learned counsel for the parties.

2. Petitioner is aggrieved by an order dated 09.04.2019 passed by the Collector, Vaishali whereby he has held pre-emption appeal case pending before him to have abated in the light of the provisions contained in Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 (for short 'the Amendment Act') whereby Section 16(3) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961 (hereinafter referred to as 'the Act') has been



repealed and sub-section (4) in Section 16 of the Act has been added.

3. The petitioner was the pre-emptor in the proceeding under Section 16(3) of the Act. His application was allowed by the Deputy Collector Land Reforms, against which the purchaser had filed the appeal before the Collector, which has been held to have abated by the impugned order.

4. Learned counsel appearing on behalf of the petitioner has submitted that abatement of appeal before the Collector will not affect the petitioner's right of pre-emption which stood crystallized with the passing of the order of the Deputy Collector Land Reforms.

5. The submission advanced on behalf of the petitioner cannot be accepted in view of the clear language of sub-section(4) which has been added to Section 16 of the Act which clearly lays down the consequence of abatement of a proceeding by Clause(i) of sub-section (4) of Section 16 of the Act.

6. I do not find any infirmity in the order of the Collector in view of the statutory abatement of the appeal. The entire exercise stands wiped off right from the very institution in the light of statutory abatement of a proceeding.



7. This application is accordingly dismissed as
being devoid of merit.

(Chakradhari Sharan Singh, J)

Rajesh/-

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