

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14240 of 2019

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Nripendra Roy Son of Sita Ram Roy Resident of Village- Bhawnethpur,
Police Station- Sultanganj (Akbarpur), District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Commissioner, Bhagalpur.
2. The Commissioner, Bhagalpur.
3. The Collector, Bhagalpur.
4. The Deputy Collector Land Reforms Sadar, Bhagalpur.
5. Nilesh Kumar Chaudhary, Son of Dinesh Prasad Chaudhary @ Dinesh Chaudhary Resident of Village- Rannuchak Makandpur, Police Station- Sultanganj (Akbarpur), District- Bhagalpur.
6. Dinesh Prasad Chaudhary @ Dinesh Chaudhary Son of Late Ganesh Chaudhary @ Late Sridhar Chaudhary Resident of Village- Rannuchak Makandpur, Police Station- Sultanganj (Akbarpur), District- Bhagalpur.
7. Vikas Kumar Roy Son of Nawal Kishor Roy Resident of Village- Bhawanathur, Police Station- Sultanganj (Akbarpur), District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gopal Prasad Roy
For the Respondent/s : Mr.Rishi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 22-07-2019 Heard learned counsel for the parties.

2. The petitioner feels aggrieved with an order dated 03.05.2019, passed by the Divisional Commissioner, Bhagalpur in Land Ceiling Revision Case No. 08 of 2018-19, whereby after having complied sub-section (4) (i) of Section 16 introduced through Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) Act, 1961, whereby Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling



Area & Acquisition of Surplus Land) (Amendment) Act, 2019 has been repealed, the revision application filed by respondent No.7 has been ordered to have abated.

3. In a proceeding under Section 16(3) of the Act, the petitioner was pre-emptor. His application was allowed by the Deputy Collector Land Reforms. An appeal preferred against the said order was also dismissed. The petitioner is said to have filed an application for execution of the order passed by the Deputy Collector Land Reforms subsequently affirmed by the Additional Collector. The revision application was thereafter preferred against the order of the appellate Court. In the meanwhile, the Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) (Amendment) Act, 2019 came into force, Sections 1 and 2 of which read thus:-

“1. Short title, Extent and Commencement.(1). This Act may be called the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force immediately.

2. amendment in Section-16 of the Act, 1961 (1) Sub-section (3) of Section 16 of the said Act is hereby repealed.

(2) In the Section-16 of the said Act, the following new sub-section (4) shall



be added:-

“(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.

(ii) Pursuant to the repeal of sub-section (3) of Section 16 of this Act, any purchase money together with a sum equal to 10% therefor, already legally deposited shall be refunded, without any interest, to the depositor.”

4. Learned counsel appearing on behalf of the petitioner has submitted that what abated by operation of sub-section (4) (i) of Section 16 of the Act, 1961 was the revision application which was pending before the Commissioner and not the orders passed in the proceeding under Section 16(3) of Act in favour of the petitioner, allowing pre-emption application.

5. The submission so advanced on behalf of the petitioner is misconceived, keeping in mind the clear language of Clause (ii) of sub-section (4) of Section 16 of the Act, which stake that pursuant to repeal of Section 16 (3) of the Act, any purchase money together with a sum equal to 10% thereof,



already legally deposited shall be refunded, without any interest,
to depositor.

6. I do not find any infirmity in the impugned order.
This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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