

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19215 of 2019

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Ram Prasad Ray @ Ram Prasad Rai, Aged about 59 years, Male, S/o Late Ramotar Ray @ Ramavtar Rai, Resident of Village- Dharampur Khetapur, P.O.- Manikpur, P.S. - Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Samastipur at Samastipur.
2. The Addl. Collector, Samastipur at Samastipur.
3. The Land Reforms Deputy Collector, Samastipur.
4. Amir Lal Mahto, S/o Late Ram Prit Mahto, Resident of Village- Dharampur Khetapur, P.O.- Manikpur, P.S. Sarairanjan, District- Samastipur.
5. Ram Jee Ray, S/o Late Yuddu Ray, Resident of Village- Dharampur Khetapur, P.O.- Manikpur, P.S.- Sarairanjan, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Uma Shankar Singh, Senior Advocate Mr. Dilip Kumar Roy, Advocate
For the State	:	Mr. Sajid Salim Khan, S.C.25

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-09-2019 Heard both sides.

The petitioner filed petition under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act for reconveyance of the sale deed in favour of the petitioner as the petitioner is the adjoining raiyat. The D.C.L.R., Samastipur passed the order in favour of the petitioner and directed the opposite party to execute the sale deed in favour of the petitioner. The opposite party filed Land Ceiling Appeal No.14 of 2018-19 before the Additional Collector, Samastipur but in the meantime by the amending Act



6 of 2019, Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act has been abolished. Consequently right of pre-emption has been abolished. The Additional Collector abated the appeal in terms of the amending Act 6 of 2019 but did not pass order for return of the amount deposited by the petitioner at the time of filing of the pre-emption case.

Having considered the facts, I dispose of this writ petition with a direction to the petitioner to file a petition before the D.C.L.R., Samastipur for return of the deposited amount within two weeks and thereafter the D.C.L.R. shall pass the order for return of the money to the petitioner within one month thereafter.

With the aforesaid direction, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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