

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25276 of 2019

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1. Mohan Mahto @ Mohan Yadav Son of Late Dukhi Yadav
 2. Kailash Mahto @ Kailash Yadav Son of Late Raghu Yadav
 3. Dhaneshwar Yadav, Son of Late Dukhi Yadav,
All are resident of Village- Jakhe Devi Pur, Police Station- Akbarpur,
District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate-cum-Collector, Nawada.
3. The Deputy Collector Land Reforms (D.C.L.R.) Rajauli, District- Nawada.
4. The Circle Officer, Akbarpur, District- Nawada.
5. Deoki Nandan Prasad, Son of Late Murlidhar Prasad
6. Shiv Nandan Yadav, Son of Late Budhu Yadav
5 and 6 are resident of Village- Jakhe Devi Pur, Police Station- Akbarpur,
District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar
For the Respondent/s : Mr.Birendra Pd. Singh, A.C. to S.C.19

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-12-2019 Heard both sides.

The petitioners have filed this writ petition for a direction to the respondents for implementation of the order dated 28.05.2009 passed by D.C.L.R., Rajauli in Land Ceiling Case No.2 of 2007-2008 because the appeal preferred by the purchaser before the District Magistrate-cum-Collector has abated in view of the amendment in Section 16(3) of B.L.R. Act. By amendment in the B.L.R. Act, Section 16(3) of the Act has been deleted and the right of pre-emption is abolished.



Petitioner is the pre-emptor. Therefore, in view of amendment and deletion of Section 16(3) of the B.L.R. Act, no direction can be issued to the D.C.L.R. to execute his own order dated 28.05.2009.

Having considered the facts aforesaid, I find no merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

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