

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3515 of 2020

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Girish Kumar @ Girish Chandra Kumar, Son of Sri Ram Peare Prasad @
Ram Peyare Mahto, R/o Village Hansepur, P.O. Ope, P.s. Aungari, Dist.
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land and Revenue,
Bihar, Patna.
2. Commissioner, Patna Division, Patna.
3. Collector, Nalanda.
4. Deputy Collector Land Reforms, Hilsa, Nalanda.
5. Umesh Prasad, Son of Sheo Nandan Prasad, R/o Village Hansepur, P.O.
Ope, P.s. Aungari, Dist. Nalanda.
6. Sri Shishu Kumar, Son of Sheo Nandan Prasad, R/o Village Hansepur, P.O.
Ope, P.s. Aungari, Dist. Nalanda.
7. Sri Sonu Kumar, S/o Sheo Kumar Prasad, R/o Village Kanhaiyaganj, P.O.
Ope, P.s. Aungari, Dist. Nalanda.
8. Sri Pankaj Kumar Vishkarma, Son of Balmukund Vishkarma, R/o Village
Kanhaiyaganj, P.O. Ope, P.s. Aungari, Dist. Nalanda.
9. Sri Manish Visvkarma, Son of Sri Mahesh Kumar Vishkarma, R/o Village
Kanhaiyaganj, P.O. Ope, P.s. Aungari, Dist. Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rewti Kant Raman, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 17-02-2020 The application filed on 14.2.2020 is listed for hearing
for the first time today before the Court.

This application has been preferred praying inter alia
for the following relief/s:



“For declaration that Amendment brought in Section 16(3) of the Bihar Land Reforms Fixation of Ceiling Area and Acquisition of Surplus Land Act, 1961 vide Act no.6 of 2019 by which Section 16(3) has been deleted and new section 4(i) and (ii) has been substituted is in excess of power and contrary to the provisions of the Constitution as illegal, arbitrary, unconstitutional and ultra vires as it takes away the valuable right accrued to the preemptor petitioner has been taken away after he has succeeded in appeal and the money which has been deposited by him on 7.2.17 vide Chalan No.2 amounting to Rs. 1,32,000/- will be returned without any interest after lapse of several years and for quashing the order dated 17.5.19 passed by the Commissioner, Patna Division, Patna in Ceiling Revision No.38/19 contained in Annexure by which he has held that preemption revision had abated behind the back of the petitioner, without issuance of notice to him and in violation of principles of natural justice through Additional Collector, Nalanda after hearing both the parties, looking towards the documents produced on behalf of both the parties arrived at a finding that petitioner is adjacent raiyat of the vendee land as he had already purchased portion of the same plot much before the execution of sale deed in question by order dated 3.12.18 passed in Ceiling Appeal No.5/17 contained in Annexure to this application and directed respondent 3rd set to execute sale deed in favour of petitioner in respect of 10 dec. of land of Chak Plot No.2716 appertaining to Chak Khata no.557 of Village Ope, P.S. No.140, P.S. Ekangar Sarai, Distt. Nalanda.”

Learned counsel for the petitioner seeks permission to withdraw the present petition to file a fresh petition.



Prayer allowed.

The application is permitted to be withdrawn with
aforesaid liberty.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

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