

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18195 of 2015

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Mahendra Rai Son of Late Sone Lal Rai, Resident of village- Rasulganj @ Koili, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Additional Member, Board of Revenue, Bihar, Patna.
3. The Additional Collector, Land Reforms, Sitamarhi, East, District- Sitamarhi.
4. The Deputy Collector, Land Reforms, Sitamarhi East, District- Sitamarhi.
5. Tapeswar Rai, Son of Jiya Lal Rai, Resident of Village- Rasulganj @ Koili, P.S. Nanpur, District- Sitamarhi.
6. The Somaraiya Devi, wife of Late Rajendra Rai, Resident of Village- Rasulganj @ Koili, P.S. Nanpur, District- Sitamarhi.
7. Pavitra Pandey, Son of Udit Pandey, Resident of Village- Rasulganj @ Koili, P.S. Nanpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the State	:	Mr. Sajid Salim Khan, SC 25

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioner and learned SC 25 for the State.

2. The petitioner has moved the Court for the following reliefs:

“That this is an application for issuance of an appropriate writ, order or direction for quashing the order dated 06.09.1991, passed by Sri B. K. Singh, the learned Additional Member, Board of Revenue, Bihar, Patna, in Case No. 533 of 1990 by which he allowed the Revision Application filed by the Pre-emptor Opposite



Party No. 5 and set aside the appellate order dated 08.08.1990 passed by the learned Additional Collector, Sitamarhi East, in Land Ceiling Appeal Case No. 2 of 1989-90 by which he has reversed the order dated 10.04.1989, passed by the learned Deputy Collector, Land Reforms, Sitamarhi East, in Land Ceiling Case No.- 7 of 1986-1987.”

3. Basically, the issue relates to pre-emption under Section 16 (3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

4. As the said Section has been repealed with effect from 25.02.2019 by The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 by which all proceedings relating to the issue pending in any Court shall be deemed to be abated, the present application, having abated also stands disposed off.

5. However, as the Court has been informed that challenge to vires of such repeal is subjudice before this Court, it is observed that if any decision in the said proceeding against such repeal is rendered, the petitioner shall have liberty to move again in the matter, before the appropriate forum.

(Ahsanuddin Amanullah, J)

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