

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 79 of 2016

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Siya Ram Singh Son of Late Sheo Shankar Rai @ Sheo Shankar Singh
Resident of Village- Ratanpur, P.S.- Shahpur, District- Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Bihar Land Tribunal, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The District Collector Land Reforms, Jagdishpur, District- Bhojpur (Bihar).
5. Sheo Kumari Kuer Wife of Late Triveni Singh, Resident of Village- Ratanpur, P.S.- Shahpur, District- Bhojpur (Bihar).
6. Ishwar Dayal Tiwari Son of Late Bhaglu Tiwari, Resident of Village- Barisawan, P.S.- Shahpur, District- Bhojpur (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Om Prakash Upadhyay, Advocate
For the State	:	Mr. Rakesh Kumar Ranjan, AC to GA 5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioner and learned AC
to GA 5 for the State.

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

*“That this writ application is being filed for
challenging the Order dated 05.11.2015 passed
by the learned Chairman, Bihar Land Tribunal,
Patna in B.L.T. Case No. 897 of 2013, 898 of
2013 and 899 of 2013 which have been
analogously disposed of without considering the
case of the Petitioner as well as by mis-judging
the Spot Verification Report submitted by the
learned Deputy Collector land Reforms,*



jagdishpur and has illegally and arbitrarily affirmed the Order dated 17.08.2007 passed by the learned Deputy Collector Land Reforms, jagdishpur as well as the Order dated 08.08.2013 / 30.10.2013 passed by the Commissioner, Patna Division and reversed the Order dated 20.02.2009 passed by the learned Collector, Bhojpur passed in favour of the Petitioner solely relying over a false and concocted submission on behalf of the Respondents that in southern boundary of all the three Sale Deeds due to mistake the name of the father of the Petitioner has been wrongly recorded and on the basis of which the Petitioner claims of pre-emption is illegal and arbitrarily defeated/set aside.

AND

For such other order/orders, direction/directions as your Lordship's may deem fit and proper in the facts and circumstances of the case."

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 petitioners shall have liberty to move again
in the matter, before the appropriate forum.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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