

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 148 of 2016

1. Bhagwan Singh, Son of Late Ram Lakhan Rai.
2. Dwarika Singh, Son of Late Ram Lakhan Rai.
3. Surendra Singh, Son of Late Lakshman Singh. All resident of Village - Dumaria, P.O. - Bharauli, 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. Budh Narayan Yadav, Son of Late Ram Kripal Yadav, Resident of Village - Dumaria, P.S. - Shahpur, P.O. - Bharauli, District - Bhojpur at Ara (Bihar).

..... Vendee/ Respondent 1st Set

6. Bishwanath Rai Son of Late Ram Lakhan Rai, Resident of Village- Dumaria, P.S. Shahpur, P.O. Bharauli, District- Bhojpur at Ara (Bihar).

... ..Vendor/ Respondnt 2nd Set / Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Om Prakash Upadhyay, Advocate
For the State	:	Mr. Manoj Kumar Sinha, AC to GA 9

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioners and learned AC
to GA 9 for the State.



2. The petitioners have moved the Court for the following relief:

“That this writ application is directed against the order dated 04.11.2015 passed by the learned Chairman, Bihar Land Tribunal, Patna in B.L.T. Case No. 340 of 2014 whereby whereunder learned Chairman has illegally and arbitrarily set aside the orders passed by learned Deputy Collector Land Reforms, Jagdishpur; learned District Magistrate, Bhojpur and learned Divisional Commissioner, Patna respectively against Respondent No. 4 to 6 (Petitioners herein) and hence by setting aside the concurrent finding of facts has arbitrarily allowed the B.L.T. Case No. 340 of 2014.

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 As the said Section has been repealed with effect from 25.02.2019 by The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 by which all proceedings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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