

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 441 of 2016

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Gopal Prasad Singh Son of Sri Ramji Prasad Singh, Resident of Village-
Nayagarh Sarmera, P.S. and P.O.- Sarmera, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. Kapil Deo Prasad Singh, Son of Late Ram Raksha Prasad.
2. Rameshwar Prasad Singh Son of Kapil Deo Prasad Singh.
3. Ramshish Prasad Singh Son of Kapil Deo Prasad Singh.
4. Ram Prakash Prasad Singh Son of Kapil Deo Prasad Singh.
5. Ram Kishore Prasad Singh Son of Kapil Deo Prasad Singh. All resident of
Village- Nayagarh, Sarmera, P.S. and P.O.- Sarmera, District- Nalanda,
Bihar.
..... Respondent 1st Set
6. Niranjana Singh Son of Late Paras Singh Resident of Village- Piyarepur,
P.O.- Piyarepur, P.S.- Sarmera, District- Nalanda (Bihar).
..... Respondent 2nd Set

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Giri and Mr. Santosh Kumar Mishra, Advocates
For the Respondent/s	:	Mr.

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

ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for the petitioner.

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

“I. To issue an appropriate writ/order/direction, in the nature of certiorari for quashing the order dated 19.08.2015 passed by the Bihar Land Tribunal, Patna in B.L.T. Case No. 1002 of 2013 by which the Hon’ble Chairman was pleased to dismiss the application of the Petitioner (as contained in Annexure-10).”



II. Any other relief or reliefs for which the petitioners are found to be entitled 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 As the said Section has been repealed with effect from 25.02.2019 by The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 by which all proceedings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 petitioner shall have liberty to move again in the matter, before the appropriate forum.

(Ahsanuddin Amanullah, J.)

P. Kumar

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