

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.145 of 2020

In
Civil Writ Jurisdiction Case No.8437 of 1990

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1. Md. Salahuddin @ Md. Salaluddin son of Late Md. Khalil
 2. Md. Zuber @ Md. Jubair, son of Late Md. Khalil
 3. Md. Sabir Alam @ Md. Sabir, son of Late Md. Khalil
- All are resident of village - Jorgama, P.S.- Murliganj, District- Madhepura.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
 2. The Additional Member, Board of Revenue, Bihar, Patna.
 3. The Collector, Madhepura.
 4. The Deputy Collector Land Reform, District- Madhepura.
 5. Subhash Lal Das, son of Late Mahabir Lal Das
 6. Deep Narain Prasad, son of late Mahabir Lal Das
 7. Shashi Bhushan Prasad, son of Late Mahabir Lal Das
 8. Indu Bhushan Prasad, son of late Mahabir Lal Das
- All are resident of village - Jorgama, P.S.- Murliganj, District- Madhepura.
9. Urmila Devi, Daughter of late Padmawati and wife of Sri Kameshwar Kumar, resident of village - Saidpur, P.O. - Gapalpur, District- Bhagalpur.
 10. Parveen Khatoon, daughter of Late Md. Khalil
 11. Anisha Khatoon, widow of Late Md. Zaheer
 12. Md. Shahzad Ali, (minor) son of Late Md. Zaheer, through his mother and guardian Anisha Khatoon
 13. Md. Shahid Ali, (Minor) son of Late Md. Zaheer, through his mother and guardian Anisha Khatoon
 14. Anwari Khatoon, (minor) daughter of Late Md. Zaheer, through his mother and guardian Anisha Khatoon
 15. Md. Zakeer, son of Late Md. Nazir
 16. Md. Sagir, son of Late Md. Nazir
 17. Sairul Khatoon, daughter of Late Md. Nazir
 18. Md. Shakir, Son of Shekhawat Mian
- All are resident of village - Jorgama, P.S.- Murliganj, District- Madhepura.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Iqbal Asif Niazi, Advocate



For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 18-08-2021

Heard learned counsel for the parties.

Mr. Iqbal Asif Niazi, learned counsel for the appellants, states that the respondents have preferred a petition i.e. CWJC No.8437 of 1990 titled as Subhash Lal Das and Ors. Vs. Md. Salauddin and Ors, challenging the vires of the Bihar Land Reforms (Fixation and Ceiling Area and Acquisition of Surplus Land) Act, 1961, in which notices stand issued to the parties to the instant *lis*. Also, appellants' interest stands protected by way of an interim order in the said writ petition.

We are of the considered view, which fact is not disputed, that if the writ petition is allowed, the appeal would become infructuous. However, if the writ petition is dismissed, the appeal would have to be heard on merit. The notice in the appeal has yet not been issued.

As such, as prayed for, the appellants are permitted to withdraw the present appeal reserving liberty to file afresh, subject to the outcome of the decision made in the writ petition.

The issue of limitation would not come in the way of



the appellants, if such appeal is preferred within a period of two months from the date of outcome of the decision in the said writ petition, i.e. CWJC No.8437 of 1990 titled as Subhash Lal Das and Ors. Vs. Md. Salauddin and Ors.

Appeal is accordingly disposed of.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/-Ashwini/

AFR/NAFR	
CAV DATE	
Uploading Date	24.08.2021
Transmission Date	

