

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7945 of 2018

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Shri Bishwanath Prasad Barnwal @ Bishwanath Barnwal Son of Shri Gobardhan Prasad Barnwal, Resident of Mohalla- Gulabbagh, Police Station- Sadar Town and Distt- Purnea.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Collector, Purnea.
3. The Deputy Collector, Land Reforms, Sadar Purnea.
4. The Circle Officer, Purnea East, Sadar Purnea, Distt- Purnea.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Mohammed Abu Haidar, Advocate.
For the Respondents : Mr. Raj Kishore Roy -GP-18

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-10-2022

Ref:- Interlocutory Application No. 02 of 2022

This Interlocutory Application has been filed for substitution of heirs and legal representatives of sole petitioner- Shri Bishwanath Prasad Barnwal @ Bishwanath Barnwal, who has died on 23.03.2022 leaving behind his heirs and legal representatives whose names are mentioned in paragraph no.1 of this Application.

This Interlocutory Application is allowed.

Let the name of the heirs and legal representatives of petitioner, as mentioned in paragraph no.1 of this Interlocutory Application, be substituted in his place and they will be treated to be the heirs and legal representatives of petitioner.



Ref:- Interlocutory Application No. 03 of 2022

This interlocutory application has been filed on behalf of the petitioner seeking amendment in the prayer portion of the writ application.

This Interlocutory Application stands allowed. The averments made in the Interlocutory Application have been treated to be the part of the main writ application.

Ref :- C.W.J.C. No.7945 of 2018.

The only question involved in this case - whether after amendment in the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 and deletion of Section 45-B of the said Act, the order dated 09.02.2018 passed by the Collector, Purnea is valid or not.

Once the predecessor of present Collector, Purnea has passed the order dated 20.01.2010 pursuant to the order of this Court, as contained in Annexure-9, the aforesaid order is to be treated as under Section 45-B of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 and now the impugned order dated 09.02.2018 passed by the present Collector, Purnea, is patently illegal. He had to pass a consequential order pursuant to the order dated 20.01.2010 (Annexure-9) passed by the Collector, Purnea, the predecessor



of the present Collector, Purnea.

In that view of the matter, the order dated 09.02.2018 (Annexure-8) passed by the Collector, Purnea is hereby quashed. The Collector, Purnea is directed to pass a fresh order in accordance with law on own merits within a period of eight weeks from the date of receipt/production of a copy of this order.

With the aforesaid observations and directions, this writ petition stands allowed.

Let a copy of this order be communicated to the Collector, Purnea, through FAX or e-mail forthwith for its compliance.

(Sandeep Kumar, J)

Guddu/ Pawan

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