

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5674 of 2021

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Amarnath Son of Late Siya Ram Singh R/o- Village- Barahiya, Ramcharn
Tola, P.S.- Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Land Reforms Department, Bihar, Patna.
2. The Divisional Commissioner Munger.
3. The District Magistrate Lakhisarai.
4. The Treasury Officer Lakhisarai.
5. The Deputy Collector Land Reforms Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar
For the Respondent/s : Mr. Rishi Raj Sinha, SC 19

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-01-2023 Heard learned Counsel for the parties concerned.

The petitioner is the pre-emptor. He filed a petition, under Section 16 (iii) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1951 (in short, 'the Act'), claiming his right of pre-emption over the land on the ground that he is the boundary raiyat of the land, in question. The petitioner has deposited the sale amount to the tune of Rs. 4,70,000/- plus 10 per cent of the sale amount, i.e. total Rs. 5,17,000/-, as per the statutory requirement, vide Treasury Challan No. 331, dated 31.03.2015, under the head of



K8443001010001.

Learned Counsel for the State submits that Section 16 (iii) of the Act has been repealed and all cases or proceedings pending before the State Government, the Board of Revenue, the Bihar Land Tribunal, the Divisional Commissioner, the Collector, the Additional Collector, the Deputy Collector Land Reforms or in any other Court, shall abate.

Section 16 (4) (ii) prescribe that pursuant to the repeal of sub-section (3) of Section 16 of this Act, any purchase money together with a sum equal to 10 per cent thereof, already legally deposited shall be refunded without any interest to the depositor.

Accordingly, the submission of learned Counsel for the State is that as per the statutory provision, the deposited amount shall be refunded to the petitioner within a period of two months.

In view of the aforesaid submission made by the parties, the respondent no. 4, the Treasury Officer, Lakhisarai/respondent no. 5, the D.C.L.R., Lakhisarai, are directed to refund the aforesaid amount of Rs. 5,17,000/- to the petitioner positively within a period of eight weeks from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction, this



application is disposed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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