

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7007 of 2021

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Ram Bilash Dubey S/o Late Saryug Dubey @ Late Sarju Dubey Resident of Village- Kanhauli (Kandhauli as per Aadhar Card), P.S.- Mazharul Haque Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Land Reforms Department, Govt. of Bihar, Patna.
2. Additional Member, Board of Revenue, Main Secretariat, Patna.
3. The Collector, Siwan.
4. The Additional Collector, Siwan.
5. The Sub Divisional Magistrate, Siwan.
6. Madan Dubey (Pre-Emptor) S/o Late Jagdish Dubey Resident of Village- Kanhauli, P.S.- Mazaharul Haque Nagar, District- Siwan.
7. Rameshwar Pandey (Transferor) S/o Late Raj Kumar Dubey Resident of Village- Kanhauli, P.S.- Mazaharul Haque Nagar, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-01-2023 No one appears for the petitioner.

Learned counsel for the State is present.

This application arises out of order dated 7.11.2004 passed in Pre-Emption Appeal Case No. 387/2002. The learned Collector, Siwan has been pleased to dismiss the appeal and confirmed the order dated 29.10.1991 passed by Sub-Divisional Magistrate, Siwan in Land Ceiling Case No. 14/86-87 under Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.



Instead of filing the revision against the impugned order, the present application has been filed by the petitioner. The petitioner is purchaser of the land from Respondent No. 7 by way of registered sale-deed dated 20.06.1986, having Khata No. 243, Khesra No. 2041 & 2042, Area- 03 Kattha 12 ½ Dhur.

The Pre-Emption application was filed by the father of Respondent No.6 which was allowed *vide* order dated 29.10.1991. In the meanwhile, Section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act has been repealed. Since provision of Section 16 (3) has already been repealed, accordingly, all the proceedings will stand abated under Section 16 (4) (i).

In view of the aforesaid, the petition stands dismissed.

(Anil Kumar Sinha, J)

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