

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3426 of 2020

1. Subodh Kumar Mandal
 2. Kameshwar Mandal
 3. Ramesh Mandal
- All are S/o Late Anandi Mandal @ Late Andu Mandal, Resident of Village-Lakhpura, P.S.-Pranpur, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reform Department, Govt. of Bihar, Patna.
2. The District Magistrate, Katihar
3. The Deputy Collector Land Reform, Katihar.
4. The Circle Officer, Pranpur, District-Katihar.
5. Gaya Nand Mandal S/o Khokhai Mandal, Resident of Village-Muradpur, P.S.-Kadwa, District-Katihar.
6. Ghauli Devi W/o Gaya Nand Mandal, Resident of Village-Muradpur, P.S.-Kadwa, District-Katihar
7. Sushila Devi W/o Sukhdeo Mandal Resident of Village-Satrapur, P.S.-Pranpur, District-Katihar.
8. Sunil Mandal S/o Kamal Prasad Mandal, Resident of Village-Lakhpura, P.S. Pranpur, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Advocate Mr. Indrajeet Kumar, Advocate Mr. Mukesh Kumar Jha, Advocate
For the Respondent/s	:	Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

3 02-12-2024 The petitioners have filed the instant application for
the following relief(s):

*“That this an application for issuance
of an appropriate writ order or direction
challenging the validity of the Bihar Land*



Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act 2019 which has been enacted on 25.02.2019, whereby Section 16 (3) of the Bihar Land Reform (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1966 has been repealed and in section 16 of the said Act new Sub- Section (4) (1) and Sub-Section (4) (ii) have been added which provides that all the cases on proceedings pending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 be deemed to be abated and any purchase money deposited shall be refunded without any interest, to the depositor.

And further direct the respondent no. 5 to execute a sale deed in favour of the petitioner with respect to land in question pursuant to order dated 23.10.2012 passed in Ceiling (Pre-emption) Case No. 23/2003-10 and respondent no. 5 fails to obey this same the state authorities/respondents may take necessary steps for execution of sale deed.

And for any other relief (s) for which petitioners are found to be entitled in the facts and circumstance of the case.”

2. The constitutional validity of the Bihar Land



Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 came up for consideration before this Court in *Sudhakar Jha and Ors. vs. The State of Bihar & Ors. [2024(3) PLJR 403(DB)]*. By a judgment dated 13.10.2023, a Division Bench of this Court upheld the constitutional validity of the amendment.

3. In view of the above, the instant application stands disposed of in terms of the judgment dated 13.10.2023 in the case of Sudhakar Jha and Ors. vs. The State of Bihar & Ors..

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Saurabh/-

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