

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7692 of 2021

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Ramnath Choudhary S/o Late Banwari Choudhary Resident of village Karhio,
P.o.- Korhio, P.s. and District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue Department, Govt. of Bihar
2. The Collector, District- Supaul
3. The Additional Collector, (Ceiling) District- Supaul
4. The D.C.L.R. District- Supaul
5. Haream Choudhary S/o Late narayan Choudhary Resident of village- Khario, P.o.- Kahio, P.s. and District- Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey
For the State : Md. Khursid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 23-07-2024

Heard Mr. Ranjan Kumar Dubey, learned counsel
for the petitioner and Md. Khursid Alam, learned AAG-12
appearing on behalf of the State.

2. Learned counsel for the petitioner submits that
this Court had decided the constitutional validity of the
Amendment Act, 2016 in the case of *Sudhakar Jha and Ors.*
Vs. The State of Bihar and Ors. with analogous cases reported
in 2023(6)BLJ 397.

3. Learned counsel for the petitioner tried to pursue
this Court on the basis of the paragraph-52(iii) of the above
judgment and submits that this Court has power under Article



226 of the Constitution of India to decide the present matter.

Para-52 of the aforesaid judgment is quoted hereinbelow;

52. The applications stand disposed of in the following terms:-

(i) The applications so far as the challenge to the constitutional validity of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2016 as also that of the Bihar land Reforms (Fixation of Surplus Area and Acquisition of Surplus Land) (Amendment) Act, 2019 are concerned, stand dismissed.

(ii) The following cases either challenge the Amendment Act, 2019 and/or arise out of an application under Section 16(3) of the Act. The cases arising out of an application under section 16(3) of the Act stand abated. They are all the cases in the instant batch of applications except CWJC no.1840 of 2019, CWJC no.2728 of 2019 and CWJC no. 10416 of 2020.

(iii) It may be mentioned here that by Amendment Act, 2016, section 45B of the Act was repealed and section 45D added, which provided that after repeal of section 45B of the Act, proceedings pending before the State Government or the Bihar Land Tribunal as also pending before the Collector shall stand abated. Both section 45D and 16(4) provide for the



consequence upon repeal of section 45B and section 16(3) of the Act. The language of section 45D is different from that of section 16(4). While section 16(4) provides that all cases of proceedings pending before the Tribunal or the Authorities mentioned therein 'or in any other Court' shall abate, the words 'or in any other Court' does not find mention in section 45D. Thus, in this view of the matter, the Court is of the opinion that those matters arising out of an application under section 45B of the Act having been decided by the Authorities or the Tribunal and applications preferred against the said orders being pending in this Court, though the Constitutional validity of the Amendment Act, 2016 has been upheld, these cases will have to be listed before the appropriate bench having roster, for it to be decided on its own merits. The cases falling under this category are CWJC no.1840 of 2019, CWJC no.2728 of 2019 and CWJC no. 10416 of 2020.

4. In my view, this case comes under the purview of Section 45(D) which was repealed by the Act of 2016.

5. In view of the aforesaid, this case is fully covered by the judgment in the case of ***Sudhakar Jha Vs. The State of Bihar & Ors.*** with analogous cases ***reported in***



2023(6)BLJ 397.

6. Accordingly, this writ petition stands disposed
of.

(Rajesh Kumar Verma, J)

ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

