

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13513 of 2024

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1. Shivendra Bahadur @ Shivendra Bahadur Singh Son of Late Upendra Singh
 2. Mridula Sinha Wife of Shivendra bahadur
 3. Ravi Rohit Son of Shivendra Bahadur @ Shivendra Bahadur Singh
All Resident of Village Bajitpur P.O. and P.S. Chiksaura, District Nalanda,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Additional Chief Secretary, Revenue and
Land Reforms Department, Govt. of Bihar, Patna.
2. The Accountant General, Audit, Bihar, Patna.
3. The Commissioner Patna Division, Patna.
4. The Collector, Nalanda.
5. The Treasury Officer, Nalanda.
6. The Additional Collector, Nalanda.
7. The Deputy Collector, Land Reforms, Hilsa, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate
For the State	:	Mr. Gyan Prakash Ojha, G.A.-7
For the Accountant General	:	Mr. Arun Kumar Arun, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-09-2024

Heard Mr. Harsh Anuj, learned Advocate for the
petitioners; Mr. Gyan Prakash Ojha, learned Advocate for the
State and Mr. Arun Kumar Arun, learned Advocate for the
Accountant General, Bihar.

2. The petitioners have invoked the jurisdiction of
this Court under Article 226 of the Constitution of India seeking
a direction upon the respondents, especially respondent No.4 to



refund the deposited money to the tune of Rs.30,95,400/- (Rupees Thirty Lakh Ninety Five Thousand Four Hundred only) with statutory interest in favour of the petitioners, in view of the coming into force of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Amendment Act 2019; as the money was deposited by the petitioners on 25.07.2016 in connection with Pre-emption Case No.01 of 2016-17.

3. Learned Advocate for the petitioners advertng to the facts narrated in the writ petition contended that the petitioners filed a case bearing Pre-emption Case No.01 of 2016-17 before the learned court of respondent No.7. In terms of the requirement of the Act, 1961 the respondent No.7 directed the petitioners to deposit an amount of Rs.30,95,400/- (Rupees Thirty Lakh Ninety Five Thousand Four Hundred only) in the treasury. In compliance thereof, the petitioners deposited the amount. Copy of the deposit slip has been placed on record as Annexure-P/2. The Pre-emption Case No.01 of 2016-17 came to be dismissed vide order dated 19.04.2017. Being aggrieved the petitioners filed an appeal before respondent No.6 in Appeal No.04 of 2017, the same also came to be dismissed. The petitioners filed Land Ceiling Revision No.223 of 2018, wherein, respondent No.3 vide its order dated 17.05.2019-



30.05.2019 directed the petitioners to get their deposited amount withdrawn since their case has been abated in the light of Amending Act, 2019, whereby Section 16(3) of the Bihar Land and Ceiling Act, 1961 stood deleted.

4. Despite the order aforementioned, till date the amount of the petitioners have not been returned and the petitioners have been compelled to run before the authorities concerned for their own money which has been kept pending in the treasury.

5. Learned Advocate for the State fairly contended that in view of the Amending Act, 2019, since Section 16(3) of the Bihar Land Ceiling Act has been deleted and all the proceeding pending before the Court stands abated, the petitioners are justified to get their amount returned.

6. In view of the fair submissions made on behalf of the learned Advocate for the State and the submissions advanced on behalf of the petitioners, the writ petition stands disposed of with a liberty to the petitioners to file an appropriate application for withdrawal of the deposited amount, as aforementioned, before the respondent No.4, preferably within a period of two weeks from today. In case such an application is filed; after verification of record the amount deposited in the



treasury along with the statutory interest, be directed to be returned preferably within a period of 8 weeks thereafter.

7. The writ petition stands disposed off.

(Harish Kumar, J)

durgesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2024
Transmission Date	NA

