

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13647 of 2024

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Chandrama Prasad S/o Late Baldeo Prasad Resident of Village- Khanpur,
P.O.- Barharia, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Revenue and Lands Reforms Department, Govt. of Bihar, Patna.
3. The Commissioner, Chapra at Saran.
4. The Joint Commissioner, Chapra at Saran.
5. The Secretary, Finance Department, Govt. of Bihar, Patna.
6. The District Magistrate, Siwan, District- Siwan.
7. The Deputy Collector, Land Reforms, Siwan, District- Siwan.
8. The Circle Officer-cum- B.D.O., Barharia Block, Barharia, District Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Adesh Raj, Advocate
For the Respondent/s : Mr. Vijaya Laxmi Srivastava, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 12-09-2024

Heard the learned Advocate for the petitioner and the
learned Advocate for the State.

2. The petitioner by invoking the extra ordinary
jurisdiction of this Court under Article 226 of the Constitution
of India seeking a direction upon the respondent to refund the
total amount of Rs. 23,100/- along with appropriate interest at
the rate of 18 % per annum, in view of the Bihar Land Reforms
(Fixation of Ceiling Area and Acquisition of Surplus Land) Act,
2019, (hereinafter referred to as “Ceiling Act”) whereby Section



16(3) of the Ceiling Act has been deleted.

3. Learned Advocate for the petitioner contended that way back in the year 1993, the petitioner had filed Ceiling Case No. 11 of 1993-94 before the Court of Deputy Collector Land Reforms and for the said purpose, the petitioner has deposited an amount of Rs. 23,100/- for preemption. The aforesaid amount has been deposited through Treasury Challan in the Treasury, which fact has been admitted by the respondent. Despite the fact that the aforementioned Ceiling Case has traveled up to the highest Court of the land, in SLP (Civil) No. 156 to 15701 of 2017. However, considering the fact that Right to Preemption under Section 16(1)(C) has been repealed by Bihar Amending Act 06 of 2019. Thus, the petitioner is entitled to get the deposited amount. It is further contended that all the family members have given no objection in favour of the petitioner to withdraw the deposited amount, as aforementioned, but till date, the same has not been done, compelling him to approach before this Court.

4. On the other hand, learned Advocate for the State submits that in view of Amending Act, 2019, the petitioner is entitled to get the refund of the deposited amount, which was deposited in the Treasury in connection with Ceiling Case No.



11 of 1993-94.

5. Considering the submissions advanced on behalf of the respective parties, this Court direct the respondent nos. 6 and 7 to consider the claim of the petitioner and ensure withdrawal of amount of Rs. 23,100/- along with statutory interest in favour of the petitioner, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order, in view of the Amending Act, 2019.

6. The writ petition stands disposed off.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2024
Transmission Date	NA

