

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3376 of 2020

Narendra Kumar @ Sanjeev Kr. Sinha, Son of Late Karu Mahto @ Karu Singh, Resident of Village- Sherpur, P.S.- Asthawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Revenue, Government of Bihar, Patna.
2. The Member Board of Revenue, Bihar Patna.
3. The Collector, Nalanda, Biharsharif.
4. The Additional Collector, Nalanda, Biharsharif.
5. The Land Reforms Deputy Collector, Nalanda, Biharsharif.
6. The Sub Divisional Officer, Nalanda, Biharsharif.
7. Ramashraya Prasad, son of Late Etwari Mahto, Resident of village- Sherpur, P.O.- Mahamadpur, P.S.- Asthawan, District- Nalanda.
8. Krishnaballabh Singh, son of Late Etwari Mahto, Resident of village- Sherpur, P.O.- Mahamadpur, P.S.- Asthawan, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Rabish Kumar, Advocate Mr. Anuj Kumar, Advocate
For the State	:	Mr. Rishi Raj Sinha, SC-19 Mr. Saurabh Kumar, AC to SC-19
For the Resp. No.8	:	Mr. Bishwa Bijay Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 21-08-2024

1. The petitioner has filed the instant application for the following reliefs :-

*“1. A. A writ in the nature of
MANDAMUS or other appropriate writ/s,
order/s, direction/s commanding the*



Respondents for the following:-

i. To hold the provisions of the the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land (Amendment) Act, 2019 repealing sub-section 3 of Section 16 of the Act and adding now Sub-section 4(i)(ii) to be ultra-vires of the Constitution and in alternative to hold the amendment to be prospective in application and the same not to affect concluded orders/proceeding.

ii. To direct the private Respondents to execute Sale Deeds with respect to land bearing Khata No. 179 Plot No. 1221 admeasuring 28 decimal situated at village Mohamadpur gram panchayat Block Asthama P.S.-Asthama, District- Nalanda as covered by the Sale Deeds executed in favour of the Respondent No. 7 and 8 admeasuring 14 decimals situated at village Sherpur, falling within Mohammadpur Gram Panchayat at Asthama Block.

iii. To direct the Respondents to resort to the provisions of compulsory registration by concerned officials who are competent to execute the Sale Deed.

iv. To hold the Petitioner to be entitled to execution of the sale deed on the strength of order contained in Annexure 1, Annexure 2, Annexure 3 and Annexure 7.

B. A writ in the nature of CERTIORARI or any other appropriate writ/s, order/s, direction quashing the following:-



i. The order dated 05.11.2018 passed by the Land Reforms Deputy Collector, Biharsharif in Land Ceiling Case No. 02/1983-84 rejecting the application filed by the Petitioner for execution of the Sale Deed.

(Annexure-2)

ii. The order dated 03.09.2019 issued by the Addl. Collector, Nalanda in Land Ceiling Appeal Case No. 04/2018 rejecting the appeal, filed by the Petitioner and terminating entire proceeding in view of the repeal of the provision contained in Section 16(3) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (herein after referred as “the Act, 1961”).

C. To any other relief/s which the Petitioner is found entitled to.”

2. The constitutional validity of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019, besides other amendments, repealing section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (‘the Act’ in short) was the subject matter of challenge in the case of *Sudhakar Jha & Ors. vs. The State of Bihar & Ors.* [2024 (3) PLJR 403 (DB)] wherein a Division Bench of this Court was pleased to dismiss the challenge to its constitutional validity. Further, in view of the judgment of the Hon’ble Supreme Court



in Punyadeo Sharma & Ors. vs. Kamla Devi & Ors. [2022 (1) BLJ 434 (SC)] it held that all cases or proceedings which may be pending before any authority or Court including the High Court stood abated and the amount deposited shall be refunded in the manner as provided under section 16(4) of the Act.

3. In view of the above, this case arising out of an application under section 16(3) of the Act stands abated. It shall be open to the petitioner to withdraw the amount deposited by him in terms of section 16 of the Act in accordance with law.

4. The application stands disposed of as having abated.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

avinash/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	22.08.2024
Transmission Date	N/A

