

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24274 of 2019

-
-
1. Bijay Kumar Yadav @ Bijay Yadav, Son of Raj Narayan Yadav, Resident of Village- Majroha, P.O. and P.S.- Pirpanty, District- Bhagalpur.
 2. Sanjay Kumar Yadav, Son of Sri Bishwanath Yadav, Resident of Village- Majroha, P.O. and P.S.- Pirpanty, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Land Reforms, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner Bhagalpur Division, Bhagalpur.
3. The Collector Bhagalpur.
4. The Deputy Collector I/C Land Reforms Bhagalpur.
5. Saurabh Yadav Son of Sri Ram Yadav Resident of Village Majroha, P.O. and P.S.- Pirpanty, District- Bhagalpur.
6. Kedar Mandal Son of Late Sahdev Mandal Resident of Village Majroha, P.O. and P.S.- Pirpanty, District- Bhagalpur.
7. Kripa Nath Mandal Son of Kedar Mandal Resident of Village Majroha, P.O. and P.S.- Pirpanty, District- Bhagalpur.
8. Shailendra Nath Son of Jitendra Mandal Resident of Village Majroha, P.O. and P.S.- Pirpanty, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate
Mr. Nand Kishore Singh, Advocate
For the Respondent/s : Mr. Md. Khursid Alam (AAG-12)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 24-10-2024

1. Heard learned counsel for the petitioners and



learned counsel for the respondent-State of Bihar.

2. For non-compliance of the peremptory order dated 6.12.2019, the application stood dismissed as against private respondent nos. 5, 6, 7 and 8.

3. The petitioners have filed the instant application for the following relief :-

“1.1. To issue an appropriate writ/order/direction to declare the entire amending Act No. 6 of 2019 [Annexure-P/1] to be unconstitutional as being discriminatory in nature and having been enacted in unusual haste without taking care of the rights of the successful Pre-emptor who have remained successful all through the litigation but sale deed had not been executed in their favour due to slackness on the part of the officials.

1.2. To issue a writ of Certiorari for quashing the order dated 26.07.2019, passed by Sri R. P. Sharma, Member [Judicial], Bihar Land Tribunal, Patna, in B.L.T. Case No. 1306 of 2015 (Saurabh Yadav vs The State of Bihar and others) [Annexure-P/2] whereby and where under the application filed under section 9 of Bihar Land Tribunal Act, 2009 by Respondent no. 5 Saurabh Yadav to set aside the order dated 4.11.2011, passed by the learned Commissioner, Bhagalpur



Division (R-2) in Land Revision Ceiling Case No.16 of 2010-11, Order dated 29.3.2010, passed by Collector, Bhagalpur (R-3) in L.C. Case No. 94/2002-03 and Order dated 6.9.02/23.9.02, passed by L.R.D.C., Kahalgaon, (R-4) in L.C. Case No.2/2002-03, has been declared to have abated in view of recent amendments of section 16(3) of 'The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 made by Amending Act 6 of 2019 has abated.

1.3. To grant any other relief(s) to which the petitioner may be found entitled to.”

4. The constitutional validity of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 came to be challenged before a Division Bench of this Court in **Sudhakar Jha vs. State of Bihar & Ors.** By judgment dated 13.10.2023, reported in **2024 (3) PLJR 403**, the constitutional validity of the Amendment Act was upheld and the applications dismissed. It was held that all the cases arising out of an application under section 16(3) of the Act stand abated.

5. It may further be observed that as held by the Hon'ble Supreme Court in the case of **Punyadeo Sharma &**



Ors. vs. Kamla Devi & Ors. [2022 (1) BLJ 434 (SC)], the entire pre-emption proceedings stand abated and it shall be open to the applicants, who have filed the pre-emption application, to withdraw 10% of the amount deposited by them in terms of section 16 of the Act in accordance with law.

6. In view of the decisions of this Court in the case of **Sudhakar Jha** (*supra*), this application stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

avinash/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	26.10.2024
Transmission Date	N/A

