

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3620 of 2019

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Md. khalil Late Bechan Ali Resident of Village Chikabari P.S. Bahadurganj
District Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Land Reforms and Revenue Department, Govt. of Bihar, Patna.
2. The District Magistrate-Cum Collector, Kishanganj
3. The Deputy Collector Land Reforms, Kishanganj.
4. The Circle Officer Bahadurganj, Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.
For the Respondent/s : Mr. Manoj Kumar Sinha, AC to SC19

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 25-04-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

I.A. No.01 of 2024

2. The present interlocutory application has been filed for allowing the intervenor application on behalf of intervenor who has prayed to add the intervenor as party respondent in the present writ petition. But upon repeated calls, no one appears on behalf of the intervenor.

3. As such, the present I.A. No.01 of 2024 is hereby dismissed.

Re:-CWJC No.3620 of 2019.

4. Learned Counsel for the petitioner submits that in



the light of the order passed by this Hon'ble Court in case of **Sudhakar Jha and Anr. Vs. State of Bihar** reported in **2024 (3) PLJR 403**, this case is presently infructuous, but he submits that the judgment of Sudhakar Jha (supra) has been challenged before the Hon'ble Supreme Court, therefore, the present writ petition may be disposed off, granting liberty to the petitioner to challenge the matter afresh, if Hon'ble Supreme Court of India reopens the issue.

5. Counsel further submits that this Hon'ble Court has passed similar order in CWJC No.13993 of 2018 as the matter of present case.

6. Upon going through the argument and pleadings, particularly the judgments on which the petitioner is relying in CWJC No.13993 of 2018, (Asha Devi & Ors. Vs. The State of Bihar & Ors.), whose operative part states as follows:-

“5. In this view of the matter, it is necessary to quote the findings (paragraph-52) of the aforesaid judgment i.e., Sudhakar Jha and Anr. Vs. State of Bihar reported in 2024 (3) PLJR 403, which are as follows:-

52.(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 458 of the Act was repealed and section 45D added, which provided that after repeal of section 458 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 Patna High Court CWJC No. 15060 of 2019 dt.13-10-2023 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.

6. Since the matter is old and in view of the statutory provisions as well as the decision of the Hon'ble Division Bench rendered in the case of Sudhakar Jha (supra) the ceiling proceeding cannot be reopened.

7. Accordingly, the writ petition stands dismissed with liberty to the petitioners to challenge the matter afresh if the Hon'ble Supreme Court reopens the issue.

7. With the aforesaid observations, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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