

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6836 of 2019

1. Bindeshwar Yadav @ Bindeshwari Yadav, son of Ramji Yadav
2. Bechu Yadav, son of Basudeo Yadav
Both are resident of Village -Amrori, P.S. Fulkaha, District-Araria
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue Department, Bihar, Patna
2. The Collector Araria
3. Ajay Kumar Chaturvedi Late Ratan Kumar Chaturvedi Resident of Village-Nawabganj, P.S. Fulkaha (Narpatganj), District-Araria
4. Vijay Kumar Chaturvedi Late Ratan Kumar Chaturvedi Resident of Village-Nawabganj, P.S. Fulkaha (Narpatganj), District-Araria
5. Late Ratan Kumar Chaturvedi Resident of Village- Nawabgunj, P.S. Fulkaha (Narpatganj, District-Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Respondent/s : Mr.Md.Khurshid Alam (Aag12)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 03-07-2025

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for quashing the order dated 25.09.2007 passed by the Collector, Araria in Case No. 8/2001-2002 (Annexure-1 to the writ petition), whereby the proceeding under Section 45B of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has been dropped on the ground of lack of jurisdiction. The petitioners further pray for the release of the land in question from acquisition by reopening Misc.



Ceiling Case No. 08/2001-2002.

3. Learned counsel for the petitioners submits that the land in question originally belonged to Ratan Kumar Chaturvedi, the grandfather of respondent nos. 3 to 5. The said land was sold to Sant Lal Yadav, the predecessor-in-interest of the petitioners, vide Sale Deed No. 2023 dated 08.02.1960. Sant Lal Yadav came into possession of the land along with his brother Gujai Yadav and one Kanik Yadav. Subsequently, the said land was sold to the petitioners by Gujai Yadav, Sant Lal Yadav, and Kanik Yadav vide Sale Deed No. 1466 dated 15.01.1966, and since then, the petitioners are in continuous possession of the said land. It is also submitted that the Government of Bihar issued rent receipts in favour of the petitioners. However, later, the petitioners came to know that the said land had been acquired under Section 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, through Notification No. 2593 dated 11.10.1987.

4. Learned counsel further submits that prior to the said notification, the land had already been sold and the petitioners were in possession thereof. Upon learning of the acquisition, the petitioners filed an application before the



Collector for exclusion of their land from the said notification. It is submitted that in similar circumstances, other purchasers had approached this Hon'ble Court, and in LPA No. 848 of 2003 (Hansraj Pugalia & Ors. vs. The State of Bihar & Ors.), the land which was subject to acquisition was ordered to be released in favour of the appellants therein.

5. It is further submitted that the petitioners had earlier filed a writ petition challenging the impugned order dated 25.09.2007 passed in Misc. Ceiling Case No. 01/2004-2005, which was dismissed by this Hon'ble Court with liberty to the petitioners to approach the competent authority. Pursuant thereto, the petitioners preferred Revision Case No. 04/2015 before the Hon'ble Minister, Department of Revenue and Land Reforms, Bihar. However, during the pendency of the said revision, an amendment came into force, whereby Section 45B was repealed and Section 45D was inserted vide Bihar Act No. 18 of 2016, dated 02.09.2016.

6. Learned counsel for the State submits that the petitioners had earlier challenged the same order in CWJC No. 335 of 2009, which was dismissed by this Hon'ble Court vide order dated 03.08.2015 with liberty to the petitioners to approach the prescribed authority for appropriate relief.



However, in view of the amendment in the Ceiling Act, the revision filed by the petitioners was rejected as not maintainable.

7. It transpires to this Court that the identical issue has already been considered by a Division Bench of this Court in a batch of writ petitions, namely *Sudhakar Jha & Ors. vs. The State of Bihar & Ors.*, reported in **2023 (6) BLJ 397 : 2024 (3) PLJR 403**, wherein the writ petitions were dismissed in terms of paragraph 52 of the said judgment, which reads as under:

“52. The applications stand disposed of in the following terms:— (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 45B of the Act was repealed and Section 45D added, which provided that after repeal of section 45B 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 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."

8. In light of the submissions made, this Court is of the opinion that the petitioners have no remedy against the present order and the writ petition is dismissed. However, the



petitioners are granted liberty to avail their remedy under
Section 30 of the Bihar Land Reforms (Fixation of Ceiling Area
and Acquisition of Surplus Land) Act, 1961 (Act 12 of 1962).

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	04/07/2025
Transmission Date	NA

