

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9373 of 2017

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1. Ram Narayan Singh S/o Late Chaturi Singh
 2. Sheo Narayan Singh, S/o Late Chaturi Singh
 3. Birendra Singh, S/o Late Chaturi Singh
 4. Rajendra Singh, S/o Late Chaturi Singh All Resident of Village-Nuan, P.s. Nuan, District-Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sarbji Rai, S/o Mandip Rai R/o-Village- Bhatwalia, P.s. Nuan, District-Kaimur, Bhabua.
3. Uday Narain Rai, S/o Late Murat Rai, R/o Village-Bhatwalia, P.s. Nuan, District-Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha
For the Respondent/s : Mr. Sajid Salim Khan- SC-25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-04-2025 Heard the parties.

2. The present petition has been preferred for the following relief(s):

“(i) for issuance of an appropriate writ in the nature of Certiorari for Quashing the order dated 16.12.2016 passed in Revision (Land Ceiling Pre-emption) Case No. 95/2016 by Board of Revenue, Bihar, Patna.

(ii) for issuance of an appropriate



*writ in the nature of mandamus commanding
and directing the respondents for not
disturbing possession of the petitioners on
their land.*

*(iii) for issuance of any other
appropriate writ/writs order/orders,
direction/directions in the aforesaid facts
and circumstances of the case the petitioners
would be entitled.”*

3. At the outset, learned State counsel submits that the writ petition be disposed of in the light of the judgment of ***Sudhakar Jha vs. State of Bihar*** reported in **2024 (3) PLJR 403**.

4. It is to be noted that in the case of ***Sudhakar Jha*** (supra) the Division Bench of the Patna High Court dealing with the constitutional validity of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2016 as also Bihar Land Reforms (Fixation of Surplus Area and Acquisition of Surplus Land) (Amendment) Act, 2019, the Court held that the 2016 Act as well as the 2019 Act do not in any way provide for a land of acquisition by the State nor do they take away or abridge any rights conferred by Article 14 or



19, do not require the President's assent.

5. The Batch cases were thus disposed of in 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.”

6. Learned counsel for the petitioner concurs to the said submission of the learned State counsel.

7. In the light of the said facts and with the consent of the parties, the writ petition stands disposed of.

(Rajiv Roy, J)

Adnan/-

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