

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24270 of 2018

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Suraji Devi, Wife of Shree Vishwanath Ray, Resident of Village- Kharagpur
Police Station- Desari, District- Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Revenue and Land Reforms Govt. of Bihar, Patna.
2. The Bihar Land Tribunal, Patna through its Administrative, Member, Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The Addl. Collector, Vaishali at Hazipur.
5. The Dy. Collector, Mahnar, District Vaishali at Hazipur.
6. Chandeshwar Ray, Son of Shree Ram Shakal Ray, Resident of Village - Kharagpur Police Station- Desari District- Vaishali.
7. Kameshwar Ray, Son of Shree Ram Shakal Ray, Resident of Village - Kharagpur Police Station- Desari District- Vaishali.
8. Chandrakant Ray, Son of Shree Ram Shakal Ray, Resident of Village - Kharagpur Police Station- Desari District- Vaishali.
9. Chandradeo Ray, Son of Shree Ram Shakal Ray, Resident of Village - Kharagpur Police Station- Desari District- Vaishali.
10. Dilip Ray, Son of Navav Lal Ray alias Naval Ray, Resident of Village - Kharagpur Police Station- Desari District- Vaishali.
11. Dharamsheela Devi, Wife of Mithilesh Ray, Resident of Village - Kharagpur Police Station- Desari District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Kumar, Adv. Mr. Pradhan Murli Manohar Pd, Adv.
For the Respondent/s	:	Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-11-2025 Heard the parties.

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

*(i) To issue an appropriate order(s),
direction(s) including a writ preferably in the*



nature of CERTIORARI for quashing the order dated 23.10.2018 passed in B.L.T Case No. 338/2016 by the Administrative Member, Bihar, Patna whereby and where under he has allowed the case filed by the Private Respondent No. 10 in the favour claiming his right to preemption under section 16(3) of the Bihar Land Reforms Fixation of Ceiling Area and Acquisition of Surplus and Act 1961 and set aside the order dated 01.02.2016 passed by the Learned Divisional Commissioner, Tirhut Division Muzaffarpur in Ceiling Preemption Revision No. 366 of 2013 by which preemption Revision case filed by the petitioner was allowed in their favour by setting aside the orders dated 08.06.2013 and 13.10.2009 passed by the Addl. Collector Vaishali in Ceiling Appeal No. 50 of 2009/112 of 2010-11 and Deputy Collector Land Reforms Mahnar in Preemption Case No. 03/2007 respectively.

(II) To quash the order dated 13.10.2009 passed in Ceiling Case No. 03 of 2007-08 by the Learned D.C.L.R Mahnar whereby and where under he has allowed the preemption case in favour of Private Respondent No. 10.

(iii) To quash the order dated 08.06.2013 passed in Ceiling appeal Case by the Additional collector whereby and where under he has dismissed the said appeal filed by the petitioner.

(iv) To Direct the D.C.L.R. Mahnar



(hereinafter referred to as respondent no. 5) to pass order a fresh in accordance with the provision as contained in Section 16(3) of the Bihar Land Reforms Fixation of Ceiling Area and Acquisition of Surplus Land Act 1961 taking into the consideration that the petitioner has purchased the land in question bearing Khata No. 93, Revisional Survey Plot No. 124 Area 81/2 Dec. through a registered deed of sale dated 19.05.2007 situated in Mauza Kharagpur P.S Desari District Vaishali for construction of residential house.

(v) To any other reliefs to which the petitioner may found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that with the passing of the new law relating to pre-emption, the matter has become infructuous/abated and as such, he may be permitted to withdraw the petition.

4. In that background, the writ petition is disposed of as infructuous/abated.

(Rajiv Roy, J)

Vijay Singh/-

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