

Civil Writ Jurisdiction Case No.927 of 2019

1. Ramdeo Mishra son of Late Nageshwar Mishra resident of village Mohammadpur, PS and Anchal Bajpatti, Dist- Sitamarhi.
2. Rambadan Mishra son of Late Nageshwar Mishra resident of village Mohammadpur, PS and Anchal Bajpatti, Dist- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Collector, Sitamarhi.
4. The Additional Collector, Sitamarhi.
5. Ran Naresh Singh son of Late Ram Swarath Singh resident of village Rasalpur, PS and Anchal Dumra, Dist- Sitamarhi.
6. Nageshwar Raut son of Tirpit Raut resident of village Mohammadpur, PS and Anchal Bajpatti, Dist- Sitamarhi.
7. Mahendra Raut son of Hardeo Raut resident of village Mohammadpur, PS and Anchal Bajpatti, Dist- Sitamarhi.
8. Ajit Mishra son of Late Ram Sakal Mishra resident of village Mohammadpur, PS and Anchal Bajpatti, Dist- Sitamarhi.

... Respondent/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
Mr. V.R.P. Singh, Advocate
For the Respondent/s : Mr. Durjati Kumar Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

[illegible]

2. The present writ petition has been filed for the following reliefs:-



I. For grant of an appropriate writ for direction to the Collector, Sitamarhi to dispose of Land Ceiling Misc. Case no. 2/2014 and to de-notify the land of the petitioners and their brother published under Section 15 (1) of Bihar Land Ceiling Act in Land Ceiling Case No. 2 of 1973-74 and Land Ceiling Case No. 9 of 1973-74 in accordance with the direction of the Bihar Land Tribunal, Patna in BLT Case No. 708 of 2013.

3. Learned Counsel for the petitioners fairly submits that according to Bihar Land Reforms (Fixation of Ceiling and Acquisition of Surplus Land) (Amendment) Act, 2016 as well as in light of the judgment in ***Sudhakar Jha and Anr. Vs. State of Bihar*** reported in **2024 (3) PLJR 403**, the petitioners have no remedy under the statute. The relevant paragraph no.52 of the judgment is quoted as under:-

“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 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 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.”*

4. As such, in view of the aforesaid judgment, Counsel for the petitioners seeks permission to withdraw the present petition to avail the appropriate remedy.

5. Permission, as prayed for, is granted.

6. Accordingly, the writ petition stands disposed off with liberty to the petitioners to challenge the matter afresh if the Hon’ble Supreme Court reopens the issue.

(Dr. Anshuman, J)

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