

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7369 of 2021

1. Vishwanath Sahani, Son of Late Ramlal Sahani Resident of Village- Ramgarh, Mahuawa, P.s. and P.o.- Pipra, Kothi, District- East Champaran
2. Bira Sahani @ Vira Sahni, Son of Late Ramlal Sahani Resident of Village- Ramgarh, Mahuawa, P.s. and P.o.- Pipra, Kothi, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and land Reforms Department, Govt. of Bihar, Patna
2. The Principal Secretary, Revenue and land Reforms Department, Govt. of Bihar, Patna
3. TheCollector, East Champaran, Motihari, District- East Champaran, Motihari
4. The Deputy Collector, Land Reform, East Champaran, Motihari
5. The Anchaladhikari Chakia, District- East Champaran, Motihari
6. Sadhu Sahani Son of Ram Chandra Sahani R/o of Village- Ramgarh, Mahuwa, P.o. and P.s.- Pipra Kothi, District- East Champaran, Motihari
7. Suresh Sahani Son of Ram Chandra Sahani R/o of Village- Ramgarh, Mahuwa, P.o. and P.s.- Pipra Kothi, District- East Champaran, Motihari
8. Ganesh Sahani Son of Ram Chandra Sahani R/o of Village- Ramgarh, Mahuwa, P.o. and P.s.- Pipra Kothi, District- East Champaran, Motihari
9. Kamlesh Sahani Son of Ram Chandra Sahani R/o of Village- Ramgarh, Mahuwa, P.o. and P.s.- Pipra Kothi, District- East Champaran, Motihari
10. Jhari Kumari D/o Ram Chandra Sahani R/o of Village- Ramgarh, Mahuwa, P.o. and P.s.- Pipra Kothi, District- East Champaran, Motihari
11. Nirmala Devi Wife of Radha Sahani D/o Late Ram Chandra Sahani, R/o Village- Bathna, P.o. and P.s.- Motihpur, District- Muzaffarpur
12. Most Jaini KUnwar Wife of Late Bijali Sahani R/o of Village- Ramgarhwa, Mahuwa, P.o. and P.s.- Pipra Kothi, District- East Champaran, Motihari
13. Bhuali Sahani Son of Late Bijali Sahani R/o of Village- Ramgarhwa, Mahuwa, P.o. and P.s.- Pipra Kothi, District- East Champaran, Motihari
14. Umita Devi D/o Late Bijali Sahani R/o Village- Sarottar, P.o. and P.s.- Dumari Ghat, District- East Champaran, Motihari
15. Lilawati Devi D/o Late Bijali Sahani R/o Village- Belwa, Mathurapur, P.o. and P.s.- Kotwa, District- East Champaran
16. Naina devi Wife of Gamhira Sahani D/o Late Jugi Sahani, resident of Village- Sonbarsa, P.s. and P.o.- Harsidhi, district- East champaran, Motihari
17. Hiranand Sahani Son of Late Roop Sahani, Resident of Village- Ramgarh, Mahuwa, P.o. and P.s.- Pipra, Kothi, District- East Champaran

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Respondent/s : Mr.Viveka Nand Singh, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 18-08-2025 The instant writ petition challenged an order dated 11th of February, 2020 passed by Collector, East Champaran at Motihari in Revenue Appeal No. 67 of 1993-94. English translation of the order impugned is as follows:-

On the basis of Bihar Gazette Notification sub-Section 3 of Section 16 of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 has been deleted and a new sub-Section (4) in Section 16 of the aforesaid act is introduced by virtue of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019. Sub-Section 4 (1) of Section 16 not only abated the provision contained in Section 16 (3) of the said Act but also directed, after the repeal of sub-Section (3) of Section 16 of this Act, all cases or proceedings pending before the State Government, the Board of Revenue, the Bihar Land Tribunal, the Divisional Commissioner, the Collector, the Additional Collector, the Deputy Collector Land Reforms or in any other Court shall be deemed to be abated.

2. Thus, the Collector, East Champaran at Motihari



directed the concerned authority to make repayment of the money which was taken by the concerned authority from the petitioners for giving affect to order a pre-emption dated 3rd of March, 1994 passed in Pre-emption Case No. 29 of 1992-93 under Section 16 (3) of 1961 Act.

3. It is contended on behalf of the petitioners that the impugned order of pre-emption was passed on 3rd of March, 1994 before the provision of Section 16 (3) was directed to be repealed by subsequent Act of 2019.

4. It is also contended on behalf of the petitioners the Pre-emption Case No. 29 of 1992-93 was not pending before the State Government, the Board of Revenue, the Bihar Land Tribunal, the Divisional Commissioner, the Collector, the Additional Collector, the Deputy Collector Land Reforms or in any other Court.

5. Thus, sub-Section 4 (1) of Section 16 of the said Act is not applicable in the instant case.

6. Therefore, the impugned order dated 11th of February, 2020 passed by the District Collector, East Champaran at Motihari is bad in law and violative of the legal rights of the petitioners and therefore liable to be quashed and set aside.

7. The learned Advocate on behalf of the State, on the



other hand, refers to a Division Bench Judgement in the case of ***Sudhakar Jha v. The State of Bihar*** along with series of similar other cases reported in **2023 6 BLJ 397**, it is clearly stated by the Division Bench in Paragraph No. 51 of the above-mentioned judgement that in view of section 16 of the Act as it stands after amendment by the Amendment Act, 2019 as also in view of the judgment of the Hon'ble Supreme Court in the case of ***Punyadeo Sharma & Ors. v. Kamala Devi & Ors.*** reported in **2022(1) BLJ 434 (SC)**, all cases or proceedings which may be pending before any authority or Court stands abated and the amount deposited shall be refunded in the manner as provided in section 16(4) of the Act.

8. It is not in dispute that execution of the order passed in Pre-emption Case No. 29 of 1992-93 on 3rd of March, 1994 is still pending. Therefore, the pre-emption proceeding did not come to an end till date and accordingly the Amendment Act of 2019 by virtue of which Section 16 (3) was repealed will automatically come into operation. The pre-emption proceeding in question is held to be abated in view of Section 16 (4) of the said Act.

9. Considering such aspect of the matter, this Court is not in a position to grant any relief to the petitioners.



10. The instant writ petition is, accordingly,
dismissed.

(Bibek Chaudhuri, J)

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