

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16407 of 2021

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Rampati Mehta Son of Late Ram Narayan Mehta, resident of Village - Kothihat Refugee, Tola Vistoria, P.S.- Raniganj, P.O.- Meriganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Revenue and Land Reforms Govt. of Bihar at Old Secretariat, P.O.- GPO, District - Patna.
2. The Commissioner, Purnia Division at Patna.
3. The Collector, Araria at Araria.
4. The DCLR, Araria.
5. Ashok Singh, S/o Bhagwan Das, resident of Village - Gwalpara, P.S.- Chhatapur, District - Suapul, at present resident of Village - Bistoniya, P.O.- Merajganj, P.S.- Raviganj, District - Araria.
6. Manoj Kumar, S/o Late Sita Ram Yadav. Resident of Village- Bisteria Tola Kothi, P.S.- Raniganj Meriganj, District- Araria.
7. Dilip Yadav, S/o Late Sita Ram Yadav. Resident of Village- Bisteria Tola Kothi, P.S.- Raniganj Meriganj, District- Araria.
8. Anil Yadav, S/o Late Sita Ram Yadav, Resident of Village- Bisteria Tola Kothi, P.S.- Raniganj Meriganj, District- Araria.
9. Upendra Yadav, S/o Late Subhak Lal Yadav, Resident of Village- Bisteria Tola Kothi, P.S.- Raniganj Meriganj, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Adya Pandey, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 23-09-2025

Re.: I.A. No. 01 of 2025

The instant interlocutory application has been filed by the petitioner seeking modification in the relief portion of the main writ petition.

2. It is submitted by the petitioner's counsel that the instant writ petition, i.e., CWJC No. 16407 of 2021, has been



filed seeking different reliefs, the details of which have been given in paragraph no. 2 of this interlocutory application. The said reliefs were sought in the light of Section 16 (3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 and at present, an amendment has taken place in the said Section vide the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 by which sub-Section 3 of Section 16 of the said Act has been repealed and a new sub-Section (4) has been added, which reads as follows:—

"(4)(i) 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.

(ii) Pursuant to the repeal of sub section-(3) of Section-16 of this Act, any purchase money together with a sum equal to 10% thereof, already legally deposited shall be refunded, without any interest, to the depositor."

It is further submitted that in light of the new sub-Section (4) of Section 16 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 the petitioner is seeking only the relief that the



concerned Collector may be directed to refund the legally deposited purchase money, together with a sum equal to 10% thereof, without any interest, to the depositor (petitioner) in accordance with the provisions of Section 16(4) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019.

3. No opposition has been made by learned counsel appearing for the respondent to the aforesaid prayer made by the petitioner's counsel.

4. Accordingly, the instant interlocutory application is hereby allowed and the writ petition also stands disposed of with giving the direction to the Collector concerned to refund the money which has been deposited by the petitioner, as per the provisions of Section 16(4) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 within the next three months from the date of receipt of this order's copy.

5. In result, the instant writ petition stands disposed of.

(Shailendra Singh, J)

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