

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14799 of 2019

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Guleshwar Yadav Son of Huro Yadav Resident of Village- Digghi
(Barmaniya), Laxmipur, P.S.- Laxmipur, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Land Reforms, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Joint Secretary, Revenue and Land Reforms Department, Bihar, Patna.
4. The District Magistrate-cum- Collector, Jamui.
5. The Deputy Collector Land Reforms, Jamui.
6. The Circle Officer, Sikandra, District- Jamui.
7. Most. Meera Devi W/o Late Manoj Mandal Resident of Village- Barmaniya, P.S. Laxmipur, District- Jamui.
8. Saroj Mandal son of Late Yogendra Mandal Resident of Village- Barmaniya, P.S. Laxmipur, District- Jamui.
9. Niranjana Mandal son of Yogendra Mandal Resident of Village- Digghi, P.O.- Digghi, P.S.- Laxmipur, District- Jamui.
10. Smt. Pramila Devi @ Sabiya Devi W/o Arjun Das Resident of Village- Barmaniya, P.O.- Digghi, P.S.- Laxmipur, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Parasar, Advocate
For the Respondent/s	:	Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 04-08-2025

Heard Mr. Satya Prakash Parasar, learned counsel for
the petitioner and Md. Khurshid Alam, learned AAG-12 for the
State of Bihar.

2. The petitioner has filed the instant application for



the following relief(s):

(i) For issuance of writ in the nature of certiorari for quash the abatement order dated 28.5.2019 and the Respondents authority to declaring ultra virus Bihar Act 6, 2019 by which amendment has been brought in Section 16 sub section 3 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 Amendment Act, 2019.

(ii) For further direction to the Respondent Deputy Collector Land Reforms, Jamui to proceed with the proceeding of 4 of 2017-18 and considering the same not affected by amendment of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Amendment Act, 2019.

(iii) And for any other reliefs for which this Hon'ble Court may deem fit and proper.

3. The case of the petitioner in brief is that a registered sale deed bearing no.187 dated 8.1.2018 was executed with respect to the land in question by respondent nos.7 to 9 in favour of respondent no.10. The petitioner being a boundary raiyat of the land in question filed an application under section 16(3) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as 'the Act') for a direction to the respondent no.10 to transfer the land in his favour. The said case was registered as Ceiling Case No.4 of 2018 in the Court of the



learned Deputy Collector Land Reforms, Jamui.

4. During pendency of the above application, the Government of Bihar came out with the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 (hereinafter referred to as 'the Amendment Act, 2019') whereby section 16(3) of the Act was repealed. As a result of the above, by order dated 28.5.2019, the D.C.L.R., Jamui was pleased to close the Ceiling Case no.4 of 2018 as having abated. It is thereafter that the petitioner has filed the instant application for quashing the said order dated 28.5.2019, to declare the Amendment Act, 2019 as ultra vires, to direct the D.C.L.R., Jamui to proceed with the Ceiling Case no.4 of 2017-18 and for other reliefs.

5. It is submitted by learned counsel for the petitioner that the validity of the Amendment Act, 2019 along with that of the Amendment Act, 2016 came for consideration and a Division Bench of this Court in the case of ***Sudhakar Jha & Ors. vs. The State of Bihar & Ors. [2023 (6) BLJ 397]*** upheld the same vide its judgment dated 13.10.2023.

6. The question of validity of the Amendment Act, 2019 raised in the instant application having already been upheld in the case of Sudhakar Jha (supra), nothing remains to



be adjudicated and the instant application is also decided in similar terms.

7. As already directed in the order dated 28.5.2019, it shall be open to the petitioner/pre-emptor to withdraw the amount deposited by him in terms of section 16 of the Act in accordance with law.

8. The writ application stands disposed of.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

Saurabh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.08.2025
Transmission Date	NA

