

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.534 of 2022

In
Civil Writ Jurisdiction Case No.2431 of 2020

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Kamlesh Singh @ Amiya Kumar Son of Late Siyaram Sharma resident of village- Taret, P.O. and P.S. Naubatpur, District- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land Reforms, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Deputy Collector Land Reforms (DCLR), Danapur, District- Patna.
4. The Circle Officer, Block- Danapur, District- Patna.
5. Dr. Hima Charan Wife of Dr. Rajat Charan, D/o Dr. Hirendra Kumar Sinha resident of 275, Nehru Nagar, P.S. Patliputra, District- Patna.
6. Purushottam Kumar @ Pappu Son of Shri Nand Kumar Sharma resident of village- Taret, P.O. and P.S. Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ajay Kumar, Advocate.
For the State	:	Mr. Md. Khurshid Alam, AAG-12.
For the Res. No.5	:	Mr. Kumod Kumar Shrivastaw, Advocate.
	:	Ms. Pallavi Lala, Advocate.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
C.A.V. JUDGMENT
(Per: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA)

Date : 05-03-2025

Heard learned counsel for the parties.

2. The instant appeal has been preferred against the judgment/order dated 22.08.2022 passed by learned Single Judge in C.W.J.C. No.2431 of 2020 whereby and whereunder it has been held that in view of law laid down by the Hon'ble Supreme Court in **Punyadeo Sharma & Ors. v. Kamla Devi & Ors.** reported in **2022 (1) BLJ 434 (SC)**, now the pre-emptor has no right and therefore, the orders as contained in Annexure-5 and Annexure-6



are quashed.

3. Learned counsel for the parties submit that since, this case is concerned with the appellant’s claim of pre-emption right 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’) which has abated.

4. The Co-ordinate Bench of this Court in the case of **Sudhakar Jha v. State of Bihar** reported in **2023 (6) BLJ 397** has held in para 51 that in view of Amendment of Section 16 of Act so also in view of the judgment of the Hon’ble Supreme Court in the case of **Punyadeo Sharma (supra)** all cases or proceedings which are pending before any authority or Court stands abated and the amount deposited shall be refunded in the light of Section 16(4) of the Act.

5. In view of the aforesaid, the cases arising out of an application under Section 16(3) of the Act, stands abated. Resultantly, instant L.P.A. stands disposed of.

(Sunil Dutta Mishra, J)

I agree
P. B. Bajanthri, J

(P. B. Bajanthri, J)

ritik/-

AFR/NAFR	NAFR
CAV DATE	21.02.2025
Uploading Date	05.03.2025
Transmission Date	NA

