

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.984 of 2019

In

Civil Writ Jurisdiction Case No.13383 of 2019

Rajesh Kumar Mishra Son of Shrikant Mishra Resident of Village-
Madhomath, P.O.- Bathua Bazar, P.S.- Phulwariya, District- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar through the Collector of the District Gopalganj.
2. Hareram Mishra S/o Late Bishundeo Mishra Resident of Village-
Madhomath, P.O.- Bathua Bazar, P.S.- Phulwariya, District- Gopalganj.
3. Shriman Narayan Mishra S/o Late Bishundeo Mishra, Resident of Village
Madhonath, P.O. - Bathua Bazar, P.S. - Phulwariya, Distt - Gopalganj.
4. Ashutosh Kumar Mihsra S/o Sri Kant Mishra Resident of Village-
Madhomath, P.O.- Bathua Bazar, P.S.- Phulwariya, District- Gopalganj.
5. Madan Choubey S/o Harishankar Chaubey Resident of Village- Bhopalpur,
P.O.- Korwatahi, P.S.- Kuchaikote, District- Gopalganj.
6. Rajmati Kunwar W/o Tinaram Choubey Resident of Village- Bhopalpur,
P.O.- Karwatahi, P.S.- Kuchaikote, District- Gopalganj.
7. Girja Kunwar W/o Kanhaiya Choubey Resident of Village- Bhopalpur, P.O.-
Karwatahi, P.S.- Kuchaikote, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Sinha, Advocate
For the State : Mr. Nutan Sahay, AC to AAG-12.
For the Private Res. : Mr. Vyas Kumar Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA)

6 13-02-2025

Heard learned counsel for the parties.

2. The present LPA has been filed against the order dated 17.07.2019 passed by learned Single Judge in C.W.J.C. No.13383 of 2019 whereby and whereunder the learned Single Judge has dismissed the said Writ Petition of the appellant.

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 & Ors. v. Kamla Devi & Ors.** reported in **2022 (1) BLJ 434 (SC)** 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.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

ritik/-

U			
---	--	--	--

