

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1357 of 2019

In
Civil Writ Jurisdiction Case No.9564 of 2019

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1. Md. Sagir son of Md. Rafique resident of Village- Mohammadpur Berai alias Shankarpur, Post Office- Chakmajahid, Anchal and Police Station- Mahua, District- Vaishali.
 2. Md. Haroon alias Md. Hassan son of Md. Rafique resident of Village- Mohammadpur Berai alias Shankarpur, Post Office- Chakmajahid, Anchal and Police Station- Mahua, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Vaishali at Hajipur.
4. The Addl. Collector, Vaishali.
5. The D.C.L.R. Mahua, District- Vaishali.
6. Smt. Pramila Devi wife of Shri Ram Baran Sah resident of Village- Gauspur Chakmajahid, Post Office- Gauspur, Chakmajahid, Police Station- Mahua, District- Vaishali.
7. Md. Yasin son of Sheikh Mohammad Hanif resident of Village- Gauspur Chakmajahid, Post Office- Gauspur, Chakmajahid, Police Station- Mahua, District- Vaishali.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Shashi Bhushan Kumar, Advocate

For the Respondent/s : Mr. Khurshid Alam, AAG-12.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA)

6 11-02-2025 Heard learned counsel for the parties.



2. The present LPA has been filed against the order dated 15.05.2019 passed by learned Single Judge in C.W.J.C. No. 9564 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 appellants' 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 already been abated and thus, the instant L.P.A. may be disposed of.

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 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. Kamla 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.

5. In view of the aforesaid, the cases arising out of an application under Section 16(3) of the Act, stand abated.



Resultantly, instant L.P.A. stands disposed of.

(P. B. Bajanthri, J)

(Sunil Dutta Mishra, J)

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