

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19791 of 2024

Raj Kishor Pandit @ Raj Kishore Pandit Son of Late Nageshwar Pandit
Resident of Village- Khamhouti, P.O. and P.S. Simribakhtiyarpur District-
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. Commissioner Koshi Range Saharsa.
3. District Magistrate, Saharsa.
4. Deputy Collector Land Reforms (DCLR) Simri Bakhtiyarpur District-
Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. Government Advocate 05

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 20-01-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. The present writ petition has been filed for seeking
a direction to the respondent to refund Rs.2,44,200/- (Two
Lakhs Fourty Four Thousand Two Hundred) deposited by the
petitioner in pursuant to initiate the proceeding under Section
16(3)(1) of the Bihar Land Reforms (Fixation of Ceiling Area &
Acquisitions of Surplus Land) Act, 1961 (hereinafter referred to
as ‘Act of 1961’) with intent to purchase a *raiya* land since the
petitioner was boundary *raiya* to Plot No.1173 (old) 1591 (new)
under *Khata* No.99 (old) 459 (new).

3. Learned Counsel for the petitioner submits that



after filing of the case before the Deputy Collector Land Reforms (D.C.L.R), this matter was decided against the petitioner *vide* order dated 04.11.2012 passed in Area Ceiling Case No.04 of 2012. Counsel further being aggrieved and dissatisfied from the order passed by the D.C.L.R, Simri Bakhtiyarpur, Saharsa dated 04.11.2012 in Area Ceiling Case No.04 of 2012, petitioner has preferred appeal before the Collector, Saharsa being Area Ceiling Appeal Case No.01 of 2013 in which *vide* order dated 29.07.2015, it was also decided against the petitioner. And thereafter, petitioner has preferred Area Ceiling Revision Case No.149 of 2015 before the Commissioner, Saharsa whose order is annexed as Annexure-P/8. It has been ordered by the Commissioner, Saharsa that by virtue of Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) (Amendment) Act, 2019 (Bihar Act No.6 of 2019), the amendment has come in section 16 of the Act of 1961 in which direction has been made that all cases relating to pre-emption shall be abated and any purchased money together with a sum equal to 10% there of, already legally deposited shall be refunded without any interest to the depositor.

4. Learned Counsel for the petitioner further submits



that the said money, the petitioner has deposited before the Treasury on 28.05.2012 which is annexed as Annexure-P/2. Counsel submits that his prayer is very limited that in the light of the Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) (Amendment) Act, 2019 (Bihar Act No.6 of 2019), the said money be refunded with interest to the depositor. In this regard, he has filed representation before the D.C.L.R, Simri Bakhtiyarpur, Saharsa which is annexed as Annexure-P/10.

5. Learned Counsel for the State submits that though counter affidavit has not been filed, but legal position is very much clear that under the statute, petitioner is entitled to receive the money deposited by him, but in this regard, he has to file a representation before the concerned Collector.

6. In the light of the submissions made by the parties, this Court after going through the records and hearing the parties particularly in the light of Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) (Amendment) Act, 2019 (Bihar Act No.6 of 2019) which states as follows:-

“[Bihar Act No.6 of 2019] The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019



To amend The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (Bihar Act 12 of 1962)

Be it enacted by the Legislature of the State of Bihar in the Seventieth year of the Republic India as follows:-

1. Short title, Extent and Commencement.-(1) *This Act may be called The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019.*

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force immediately.

2. Amendment in Section-16 of the Act, 1961.-(1) *Sub section (3) of Section-16 of the said Act is hereby repealed.*

(2) In the Section-16 of the said Act, the following new sub section-(4) shall be added:-

"(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 the categorical direction of the Legislature that any purchased money together with a sum equal to 10% thereof, already legally deposited shall be refunded, without interest to the depositor. Here in the present case, *vide* Annexure-P/2, it transpires to this Court that the petitioner has deposited the purchased money with 10% interest which comes at the tune of Rs.2,44,200/- (Two Lakhs Fourty Four Thousand Two Hundred) which was already legally deposited has to be refunded but without interest to the depositor.

7. Hence, it is hereby directed to the petitioner to file his representation before the Collector, Saharsa in this matter within four weeks from today and the Collector, Saharsa shall do all the needful so that compliance of the law in the light of Bihar Land Reforms (Fixation of Ceiling Area & Acquisition of Surplus Land) (Amendment) Act, 2019 (Bihar Act No.6 of 2019), the said amount i.e. Rs.2,44,200/- (Two Lakhs Fourty Four Thousand Two Hundred) be paid to the petitioner within a



period of 90 days from the date of filing of his representation along with a copy of this order.

8. Accordingly, with the aforesaid direction, the present writ petition stands allowed.

(Dr. Anshuman, J)

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