

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11110 of 2021

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Raghuwar Thakur Son of Late Thakur Mahendra Thakur, resident of Village Thikaha Aswari P.O. Kathaiya, P.S. Baruraj now Kathaiya, Anchal Motipur, District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Land and Revenue Reforms Department, Government of Bihar, Patna.
2. DiSH Collector, Muzaffarpur.
3. Additional Collector, Muzaffarpur.
4. Suresh Pandey Son of late Ram Srinagar Pandey, resident of Village Thikaha Aswari, P.O. and P.S. Kathaiya Anchal Motipur, District Muzaffarpur.
5. Rajendra Choudhary Son of Kishori Choudhary, resident of Village Thikaha Aswari, P.O. and P.S. Kathaiya Anchal Motipur, District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Adv. Mr. Nirmal Kumar Sinha-3, Adv.
For the Respondent/s	:	Mr.Lalit Kishore (AG) Mr. Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 11-03-2026 Heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 16.07.2019 passed by the District Collector, Muzaffarpur passed in pre emption Appeal No. 01/2011-12, by which his appeal was dismissed holding that in view of the Amendment Act of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961, which was carried out in the year 2019, all the cases relating to under Section 16(3) shall abate. Learned counsel for the petitioner submits that the petitioner



had filed an application for pre-emption and had even deposited the initial amount. However despite such deposit, his application was dismissed and even the appeal was also dismissed on such ground.

3. Learned AG to AG-12 submits that in view of the judicial pronouncements rendered by the Hon'ble Supreme Court in the case of "*Punyadeo Sharma and Others v. Kamla Devi and others reported in 2022 SCC Online SC 2455*", the proceedings under Section 16(3), after the amendment act, 2019, pending before any court would abate, in view of such amendment.

4. Considering the aforesaid submissions and taking into account the judgment rendered by the Hon'ble Supreme Court, it is a settled law now that all the applications under Section 16(3) stood abated on account of the amendment, and so was the appeal preferred by the petitioner and therefore there is no illegality in the impugned order.

5. The present application is thus misconceived and thus disposed of accordingly.

(Sourendra Pandey, J)

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