

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17412 of 2019

-
-
1. Bechon Kohar S/o Dubari Kohar Resident of Village-Nonar, Post Chhewari, PS Ramgarh, Dist. Kaimur at Bhabua
 2. Ramadhar Kohar @ Barhu Kohar S/o Late Dubari Kohar Resident of Village-Nonar, Post Chhewari, PS Ramgarh, Dist. Kaimur at Bhabua
 3. Sukhari Kohar S/o Late Dubari Kohar Resident of Village-Nonar, Post Chhewari, PS Ramgarh, Dist. Kaimur at Bhabua
 4. Mahatim Kohar S/o Late Phulchand Kohar Resident of Village-Nonar, Post Chhewari, PS Ramgarh, Dist. Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Kaimur at Bhabua
3. The Deputy Collector Land Reforms, Mohania, Kaimur
4. Shyed Baboo S/o Sukrullah Dhobi Resident of Village-Nonar, Post Chhewari, PS Ramgarh, Dist. Kaimur at Bhabua
5. Thagni Devi W/o Late Miraza Kohar, Resident of Village-Nonar, Post Chhewari, PS Ramgarh, Dist. Kaimur at Bhabua

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Adv.
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-01-2026

Heard the parties.

2. The present application has been preferred for the following relief(s):

(i) For issuance of appropriate writ or writs in the nature of Writ of Certiorari' for quashing /setting aside the order dated 28.03.2019 passed in Pre-emption BLT Case No. 808/2017 passed by Hon'ble Mr. Justice V. Nath, Chairman,



Bihar Land Tribunal, Patna as dismissed as abated in the following facts and circumstances of the case.

(ii) For issuance of appropriate writ or writs in the nature of Writ of Certiorari' for quashing /setting aside the order contained in Resolution No. LG-01-15/2018/1569/ dated 25.02.2019, also published in Bihar Gazette [Ext.-ord.] No.279 dated 25.09.2019, issued by the Department of Law, Govt. of Bihar whereby and where under the Sub Section (3) of Section 16 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) (Amendment) Act, 2019 has been repealed without following procedure like discussions, debate, seminars, workshops or proper Referendums of the Act of 1961 and the facts and circumstances of the present case in question that means Sec. 16 (3) of the Land Ceiling Act, 1961 has been repealed without circulating knowledge, debate, discussion /public mandate and as such highly volatile and against the spirit of fundamental, human and natural rights of the petitioners curtailing the provisions of the Hindu Succession Act against the petitioners.

(iii) For a Declaration that the present amended provision of Section 16 of



the Bihar Land Ceiling Act, 1961 can not abrogate amend the substantive Statutory Right under Hindu Succession Act of the petitioners and as such Learned Tribunal while passing the order of abatement could have transferred the present matter before competent Civil Court for proper adjudication of the case.

(iv) For a declaration that the petitioners are fighting over the issues since many years and they have won their claim in different competent courts in their favour.

(V) For a declaration that there is great violation of Natural justice as well as Human justice as petitioners were never approached/ contacted and the present provision of law initiated by state government is highly unjust, improper, incorrect, malicious, and above all not susatained in the eye of law.

(vi) To hold and declare that the instant matter of repeal of Act in question is firstly to be circulated, discussed and thereafter, it could have been decided after proper knowledge and consent of general people.

vii. For a declaration that existing provision of Act under section 16(3) of the Ceiling Act is correct, bonafide and should be restored at ones for the ends of justice.



*viii. For grant of any other relief
or reliefs if the petitioners are found entitled
for.*

3. Learned counsel for the petitioner submit that with the changed circumstance/law relating to pre-emption matter, the writ petition has become infructuous. However, the amount deposited be directed to be returned.

4. Granting said liberty to get the refund, the writ petition is disposed of as infructuous.

(Rajiv Roy, J)

Vijay Singh/-

U			
---	--	--	--

