

(2019) 12 PAT CK 0173

In the Patna High Court

Case No : Letters Patent Appeal No. 993, 994, 995 Of 1996

Dilip Kumar Gupta And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 05-12-2019

Acts Referred:

Constitution Of India, 1950 — Article 226
Bihar Land Reforms (Fixation Of Ceiling Area And Acquisition Of Surplus Land)
Amendment Act, 2019 — Section 2

Citation : (2019) 12 PAT CK 0173

Hon'ble Judges : Sanjay Karol, CJ; Anil Kumar Upadhyay, J

Bench : Division Bench

Advocate : Shashi Shekhar Dwivedi, Shashi Bhushan Kumar, Parth Gaurav, T.N. Matin, Akhouri Vipin Bihari Shrivastava, Patla Kumari, K.N. Choubey, Prabhakar Jha, Umesh Narayan Dubey

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the parties.

2. The appellants have prayed for the following relief:

"It is, therefore, prayed that your Lordships may graciously be pleased to admit these appeals, issue notice, call for the records of the case and after hearing the parties be pleased to set aside the impugned judgment and order dated 22.8.1996 passed in C.W.J.C. Nos. 10007, 10008 & 10009 of 1994 and allow the appeals with cost throughout."

3. Learned Single Judge, not finding favour with the original appellant Smt. Tulsi Devi (since dead), while dismissing the petition filed under Article 226 of the Constitution of India, affirmed the order dated 8.10.1994 passed by the Member, Board of Revenue in Revision Case Nos. 228 of 1994, 229 of 1994 and 230 of 1994. The said order was passed under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 qua the writ

petitioner who claimed herself to be an adjoining raiyat of the vended plot having got her residential house situated just adjacent to the land in question.

4. It is seen that now there is a legislative amendment in the Principal Act and by virtue of Section 2 of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Amendment Act, 2019, 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 any other Court are deemed to have abated.

5. The pre-emptor/purchaser has not been rendered remediless. He is entitled to, by virtue of the amending Act, certain amounts.

6. In view of the change in position of law, we find the present proceeding to have abated.

7. At this stage our attention is invited to the fact that validity of the Amending Act is pending consideration before this Court. Ordinarily, we would have refrained from passing such order, but for the fact that the present appeals pertain to the year 1996, we proceeded to hear the same. However, since validity of the Amending Act is pending consideration before this Court, we grant liberty to either of the parties to get these appeals revived, if need so arises, after final adjudication with regard thereto.

8. With the aforesaid, the present appeals are disposed of as having abated.