

(2019) 12 PAT CK 0172

In the Patna High Court

Case No : Letters Patent Appeal No. 974 Of 2003

Ratnesh Kumar Yadav

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 0172

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

Bench : Division Bench

Advocate : Jashwir Singh Arora

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the parties.

2. The appellant has prayed for the following relief:

"It is, therefore, prayed that your Lordships may graciously be pleased to admit the Memorandum of appeal, issue notice to the respondents and after hearing allow this appeal after setting aside the order dated 2.9.2003 passed in C.W.J.C. No. 7797 of 1999 and finally grant the reliefs sought for in the said CWJC No. 7797/1999."

3. Learned Single Judge, not finding favour with the appellant-Ratnesh Kumar Yadav, while dismissing the petition filed under Article 226 of the Constitution of India, affirmed the order dated 18.05.1999 passed by the Additional Member, Board of Revenue, Patna in Case No. 100 of 1997. 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 himself to be an adjoining raiyat of the vended plot having got his 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 appeal pertains to the year 2003, 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 this appeal revived, if need so arises, after final adjudication with regard thereto.
8. With the aforesaid, the present appeal is disposed of as having abated.