



IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10565 of 2014

Suraj Mahto and Anr.

... .. Petitioner/s

Versus

The State Of Bihar and Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the State : Mr. Anil Kumar Verma, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 19-01-2026

No one appears on behalf of the petitioner.

2. The present petition has been preferred for the grant of following relief(s):

“(i) issuance of a writ in the nature of certiorari for quashing the common orders dated 20.3.2014 passed by the learned D.C.L.R., Sadar Motihari in ceiling pre-emption case 3-4 of 1969-70 whereby and where under the respondents 5 to 10 have been directed to submit the draft sale deeds for execution of order dated 4.1.1971 Passed by the D.C.L.R., Motihari, after lapse of more than 43 years without appreciating the true aspects of the matter.

(ii) issuance of a consequential writ in





the nature of Mandamus directing and commanding the Respondents not to interfere in the peaceful possession of the petitioners over plot no. 1737, 1907, 12104, 12635, 13289 and 11452 appertaining to khata no. 422 and plot no. 1775 appertaining to khata no. 11/1830 total measuring an area one bigha 6 kathas 14 dhurs and plot no. 1910 appertaining to khata no. 422 measuring an area 2 katha 13 dhurs which are in possession of petitioners since January 1969 i.e. since 45 years.

(iii) issuance of an appropriate declaration that although order dated 4.1.1971 passed in ceiling pre-emption case no. 3/69 and 4/69 was in favour of Narayan Mahto but he had left pursuation since 1973 and he had died on 9.7.84 and his legal heirs were not substituted till July 1987 and in July 1987 after the case was abated, one janakdhari Mahto, one of the sons of original pre-emptor filed petition for execution of order dated 4.1.71 but was rejected on 19.7.88 against which appeal no. 9 and 10 of 1988-89





was filed but was dismissed on 9.9.91 and thus order could not be implemented for more than 20 years which cannot be executed now after more than 43 years at the instance of Respondents 9 and 10 who were never impleaded party.

(iv) issuance of an appropriate declaration that once the lands in question were purchased by father of petitioners on 4.1.69 and 11.1.69 it came in peaceful possession of father of petitioner in the month of January 1969 itself and it was mutated without being objected, in favour of petitioners' father and since then the Land rent is being paid and after the death of petitioners' father, petitioners are in possession and their matter is pending before this Hon'ble court at restoration stage there is no justification to implement/execute the order dated 4.1.71 after more than 43 years and thus the impugned order is bad in law and it fit to be quashed.

(v) any other relief or reliefs be granted to petitioners to which they are found to be entitled to in accordance with law."





3. At the outset, learned State counsel submits that it is a preemption matter and with the change of law, it has become infructuous.

4. Accordingly, the writ petition is disposed of as become infructuous.

(Rajiv Roy, J)

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