

आदेश की क्रम सं०  
और तारीख

1

आदेश और पदाधिकारी का हस्ताक्षर

2

आदेश पर की गई  
कार्रवाई के बारे में  
टिप्पणी तारीख सहित

3

**BOARD OF REVENUE, BIHAR, PATNA.**Revision (Land Ceiling Pre-emption) Case No. - 49/2015  
Dist. - KatiharPRESENT :- K.K. Pathak, I.A.S.,  
Additional Member

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Chandra Nand Mandal

- Petitioner/ Appellant

Versus

The State of Bihar &amp; Others

- Opposite party

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**Appearance:**

For the Appellant/Revisionist

:Shri Jai Krishna Prasad

For the OP

:

For the State

: Shri Nirmal Kumar, Special G.P.

**ORDER**

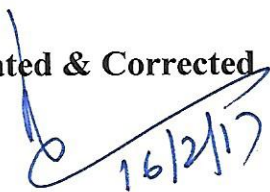
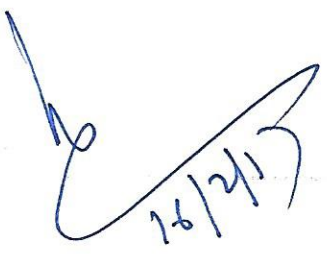
16.02.2017

This is a Pre-emption case wrongly mentioned in our record as a ceiling surplus case.

The Revision application was filed against the order of the Learned Collector, Katihar on 17.07.2015 in Appeal No. 693/2012.

The Learned Advocate of the OP, who is the Purchaser, is here and mentioned that this is a matter of Pre-emption under Section 16(3) of Bihar Land Ceiling Act, 1961. Under the said Section, now the Government has amended the said Act vide Bihar Act 10 of 2006 wherein the Revision against any order passed by the Collector or Additional Collector under Section 16(3) shall be before the Divisional Commissioner.

आदेश की क्रम सं० और तारीख 1	आदेश और पदाधिकारी का <sup>2</sup> हस्ताक्षर 2	आदेश पर की गई कार्रवाई के बारे में टिप्पणी तारीख सहित 3
	<p>He further says that since the impugned order passed by the Learned Collector is of the year 2015, the Revision therefore, must lie before the Divisional Commissioner and not before the Board of Revenue.</p> <p>The Learned Advocate of the Petitioner, who is the Pre-emptor, contests this view. He argues that even though Section 16 has been amended in 2006, Section 32, which is the Revisional Power of the Board of Revenue, has not been amended and therefore, the Revisional Power of Board of Revenue remains untouched.</p> <p>He further avers that the amendment of 2006, vide which Section 16 was amended, should have found its reflection in Section 32 also. In the instant amendment, the corresponding changes have not been made in Section 32. Therefore, the Board may continue to hear the proceeding under the Pre-emption law as defined under Section 16(3).</p> <p>Having heard the Learned Advocates of both the parties, I am of the view that once a specific provision has been made with regard to the remedy of Revision, it is not advisable to take recourse to the general provision of Revision which is Section 32. In Section 16, a specific clause has been inserted with regard to the method to be adopted for Revision.</p> <p>Therefore, it is not advisable for the Board of Revenue to accept Pre-emption matters where the impugned order is passed after the amendment of the Act in the year 2006.</p>	

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	<p>That be the case, I advise the Petitioner to approach to the Court of the Divisional Commissioner for remedy under the Pre-emption law, as that is the appropriate Revisional Forum after the amendment of the Act in 2006.</p> <p>Thus, the Revision Petitioner is disposed off.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">   <b>Dictated &amp; Corrected</b>  <b>K.K.Pathak</b>  <b>Additional Member</b>  <b>Board of Revenue, Bihar.</b> </div> <div style="text-align: center;">   <b>(K.K.Pathak)</b>  <b>Additional Member</b>  <b>Board of Revenue, Bihar.</b> </div> </div>	