

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6562 of 1994

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State of Bihar, through Collector, Aurangabad

.... Petitioner/s

Versus

1. The Additional Member, Board of Revenue, Bihar Patna
2. Om Prakash Mehta, son of Late Bhagirath Mehta
3. Manmohan Mehta, son of Om Prakash Mehta
4. Satya Prakash Mehta, son of Sri Prakash Mehta
5. Satya Prakash Mehta son of Sri Prakash Mehta
6. Vijay Prakash Mehta, son of Sri Hari Prakash Mehta
7. Vijay Prakash Mehta, son of Om Prakash Mehta
8. Sri Prakash Mehta son of Sri Bhagirath Mehta
9. Hari Prakash Mehta, son of Sri Bhagirath Mehta

All residents of village – Sone Nagar, P.S. Baroon, District – Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kishore, AC to GP – 2

For the Intervener : Mr. Satyendra Kumar Jha, Advocate

For the Respondent/s : Mr. Shivanand Prasad Sinha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 27-07-2015

The State of Bihar through Collector, Aurangabad has filed the present writ application under Article 226 of the Constitution of India, aggrieved by resolution dated 12.10.1992 passed by learned Additional Member, Board of Revenue, Patna in Revision Case No. 246/89 and 247/89 whereby he has set aside the order dated 27.06.1989 passed by the Commissioner, Aurangabad, Magadh Division in Ceiling Appeal No. 16/86.



I have heard learned counsel appearing on behalf of the petitioner as well as learned counsel representing the Private Respondents. An intervenor application has been filed by Sahrai Ram @ Sohrai Paswan & Ors. Vide I.A. No. 2241 of 1994 for impleading them as parties.

In view of the nature of dispute involved in the present case, I consider it appropriate to remit the dispute to Bihar Lands Tribunal for its adjudication. For the said purpose, the petitioner will be required to file a petition before the Tribunal alongwith the entire pleadings of the present proceeding within a period of four weeks from today.

The persons who have attempted to intervene in the present matter shall have liberty to approach the Tribunal through appropriate application in the said proceeding, before the Tribunal.

Learned counsel on behalf of the private respondents has contended that they should have liberty to raise the question of limitation before the Tribunal.

I do not think that any question of

limitation would arise before the Tribunal as the matter is being remitted by this Court under Section 15 of the Bihar Land Tribunal Act, 2009. It goes without saying that parties shall be free to take such plea and objection as they may be advised, before the Tribunal.

This writ application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

Jagdish/-

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