

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15109 of 2009

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Pashupati Singh & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha
Mr. Narendar Pandeya

For the Respondent/s : Mr. Abhimanyu Sharma
Mr. Amarendra Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

.....

7 19-05-2015

Heard.

The present petition pertains to a dispute under the provisions of Section 48(E) of the Bihar Tenancy act. After hearing the parties, the Court was persuaded to transfer the record of the record of the case to the Bihar Land Tribunal, constituted under the provisions of Bihar Land Tribunal Act, 2009, however, Sri Ashutosh Jha, learned counsel for the petitioners raises objection that the present writ petition was filed in the year 2009 and , as such, after lapse of six years , this Court may not exercise power to transfer the record of the case.

The present writ petition pertains to a dispute under the provisions of Section 48(E) of the Bihar Tenancy Act, 1885, which is a scheduled Act under Section-9 of the Bihar Land

Tribunal Act, 2009. Since Tribunal under the Act has already been constituted and functioning, the Court considers that this matter can well be adjudicated by the Bihar Land Tribunal. In identical cases consistently this Court has directed for transferring the record to the Tribunal.

Accordingly, in terms of proviso to Section 15 of the Bihar Land Tribunal Act, the Registry is directed to transmit the record of the case to the Bihar Land Tribunal forthwith.

(Rakesh Kumar, J)

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