

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 15914 of 2010**

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Rajendra Rai S/o Late Raj Banshi Rai, R/o Village Ghranpur Pipari, P.S. Kargahar, District Rohtas.

.... .... Petitioner

Versus

1. The State of Bihar
2. Collector, Rohtas (Sasaram)
3. Addl. Collector, Rohtas (Sasaram)
4. Deputy Collector Land Reforms, Sasaram, Rohtas.
5. Anchal Adhikari, Kargahar, P.S. Kargahar, Dist. Rohtas.
6. Parshuram Rai Son of Late Raj Banshi Rai R/o Village Ghranpur Pipari, P.S. Kargahar, District Rohtas.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Mahesh Prasad  
Mr. Rewti Kant Raman

For the Respondent/s : AC to GP-14

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

5. 01-07-2015 Heard Sri Mahesh Prasad, learned counsel for the petitioner, learned A.C. to Govt. Pleader – 14 as well as learned counsel, who appears on behalf of respondent no. 6.

The present writ petition has been preferred against the order dated 04-12-2009 passed by the Addl. Collector, Rohtas, Sasaram in Mutation Revision Case No. 64 of 2008, only on the ground that Addl. Collector was not authorized to exercise power of Collector under Section 16 of the Bihar Tenants' Holdings (Maintenance of Record) Act, 1973 (in short "Act").

Learned counsel for the petitioner submits that as per Section 16 of the Act, only Collector of a district was authorized to exercise power of revision not the Addl. Collector. He has relied on a Single Bench judgment of this Court.

Learned counsel for the State submits that it is true that earlier in terms of Section 16 of the Act, a Bench of this Court had held that Addl. Collector was not empowered to exercise revisional jurisdiction, however; subsequently the power of revision was extended to the Addl. Collector by issuance of a Notification dated 28-05-2008. He further submits that this issue has already been set at rest by a Division Bench of this Court in a case reported in **2011 (3) PLJR 422 (Amarendra Kumar Singh vs. The State of Bihar & Ors.)**.

Learned counsel for the petitioner further submits that besides competency of the Addl. Collector, there are other points also to be adjudicated.

Keeping in view the fact that the present writ petition pertains to a mutation dispute, for which, a Tribunal has already been constituted under the provisions of Bihar Land Tribunal Act, 2009, the Court considers that this matter can well be adjudicated by the Tribunal.

Accordingly, in view of proviso to Section 15 of the Bihar Land Tribunal Act, 2009, the Registry is directed to transmit the record of this case to the Bihar Land Tribunal forthwith.

**(Rakesh Kumar, J.)**

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