

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7913 of 1993

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Bibi Kaniz Fatima, w/o Tajammul Hussain Khan, resident of village Bantara, P.S. Deokund (Goh), District Aurangabad.

.... Petitioner/s

Versus

1. The Joint Director of Consolidation, Magadh Division, Gaya.
 2. The Deputy Director of Consolidation, Gaya, Nawada, Aurangabad.
 3. The Consolidation Officer, Goh, Aurangabad, Aurangabad.
 4. The Consolidation Officer, Arwal, Jehanabad.
 5. Md. Natiq Khan, son of late Wahab Khan.
 6. Md. Mobin Khan, son of late Abdul Gaffar Khan.
 7. Md. Ali Khan son of late Abdul Ahad Khan.
 - 8 (i) Tohra Khatoon wife of late Shamsuddin Khan
 - (ii) Mahfooz Khatoon
 - (iii) Kharshuda Khatoon
 - (iv) Nazima Saghara
 - (v) Shaheen Nazeer Khan
 - (vi) Shibli Khan
 - (vii) Taufiquzzaman Khan.
- All residents of village Bantara, P.S. Deokund (Goh) District Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Shankar Pradhan, Sr. Adv.
For the Private-Respondent : Mr. Raghib Ahasan, Sr. Adv.
For the Respondent-State :

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 08-10-2018

Heard Mr. Rama Shankar Pradhan, learned senior counsel appearing for the petitioner, learned counsel for the State and Mr. Raghib Ahsan, learned senior counsel appearing for the private respondents.

The petitioner questions the order passed by the statutory authorities under the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956.



This writ petition was admitted for hearing on 21.11.1994 and has been listed for hearing on completion of pleadings.

During the pendency of the writ proceedings the State legislature has enacted Bihar Land Tribunal Act, 2009 (Bihar Act 9 of 2009) (hereinafter referred to as 'the Act') which provides for constitution of the Bihar Land Tribunal (hereinafter referred to as 'the Tribunal') for adjudication upon the orders passed by the statutory authorities under the enactment referred to in Section 9 of 'the Act' which includes the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 at Item No.IV. While Section 9 of 'the Act' confers power on 'the Tribunal' to entertain all cases arising under the enactments listed thereunder, Sub-section (2) thereof confers jurisdiction on 'the Tribunal' to decide any case transferred to 'the Tribunal' by the State of Bihar or the High Court.

Section 15 of 'the Act' deals with the issue of 'Transfer of the proceedings pending in the High Court and the State Government' and the proviso attached thereto leaves it at the discretion of the High Court to remit the dispute pending adjudication in any writ proceeding, for adjudication by 'the Tribunal'.

In my opinion, since the orders impugned in this writ petition do not raise issue of jurisdictional error nor any complaint of violation of the principles of natural justice is made, in view of the legislative



intendment present at the proviso to Section 15 read alongside Section 9(2) of ‘the Act’, I deem it proper to order for transfer of the present proceeding for adjudication and disposal by ‘the Tribunal’ in accordance with law.

The Registry is accordingly directed to take steps for transmission of the records of the proceeding to the Bihar Land Tribunal within four weeks from today.

The contesting parties shall appear before ‘the Tribunal’ on 19.11.2018 for enabling ‘the Tribunal’ to proceed in the matter with a view to its disposal.

In view of the order of transfer of the pending proceedings to ‘the Tribunal’ so passed, the writ application stands disposed of accordingly.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11-10-2018
Transmission Date	NA

