

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.641 of 1997

1. Smt. Chandra Lekha daughter of late Kishori Raman Prasad and wife of Sri Ashok Kumar Khemka, resident of 38, New Raod Alipur, Calcutta.
2. Smt. Shree Lekha daughter of Sri Radha Raman Prasad & wife of Sri Rama Krishna Gupta, resident of 20, Jamuna Raod, Civil Line, Delhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. member, Board of Revenue, Bihar, Patna.
3. Commissioner, Patna Division, Patna.
4. The Collector, Bhabhua, District Bhabhua.
5. The Additional Collector (Ceiling) Rohtas at Sasaram.
6. Tribeni Kuwar wife of late Kishori Raman Prasad.
7. Shree Raman Prasad son of late Kishori Raman Prasad
8. Radha Raman Prasad son of late Krishna Narain Prasad, All residents of Mahnoorganj, P.S. Maradih, District Varanasi (U.P) at present residing in village Meew Sukharipur, P.S. Bhabhua, District Bhabhua

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 641 of 1997)

For the Petitioner/s	:	Mr. P.K.Shahi, Adv. Mr. Sarvdeo Singh, Adv. Mr. Rajesh Prasad Chaudhary, Adv.
For the Respondent/s	:	Mr. R.Ahshan, SC

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 06-10-2018

None appears for the petitioners and Mr. Ravi Verma, A.C. to G.P.4 appears for the State and submits that the land in question of the petitioners was declared surplus and they have lost their challenge all through the proceedings initiated under the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961.

This writ petition was admitted for hearing on 31.03.1997 and interim order of stay was passed. The matter has thereafter been listed for hearing on completion of pleadings.



During the pendency of the 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 Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 at Item No. (i). 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 proviso attached 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.

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)

Bibhash/Ranveer

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.10.2018
Transmission Date	NA

