

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.832 of 1997

- =====
1. Gita Devi, wife of Late Parash Nath Rai.
 2. Parwati Devi @ Parwati Rai, daughter of Late Ram Ragho Rai.
 3. Vijay Narain Rai, son of Late Ram Nagho Rai.
 4. Gopalji Rai, son of Late Ram Ragho Rai.

All are residents of village Dumsuma, P.S. Kurani, (Ramgarhy),
District- Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Member, Board of Revenue, Patna.
3. The District Collector, Kaimur at Bhabhua.
4. The Sub-divisional Officer, Bhabhua, district- Kaimur.

.... Respondent/s

With

Civil Writ Jurisdiction Case No. 925 of 1997

- =====
1. Gita Devi, wife of Late Parash Nath Rai.
 2. Parwati Devi @ Parwati Rai, daughter of Late Ram Ragho Rai.
 3. Vijay Narain Rai, son of Late Ram Ragho Rai.
 4. Gopalji Rai, son of Late Ram Ragho Rai.

All are residents of Village- Bumduma, P.S.- Kurani (Ramgarh), District-
Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Member, Board of Revenue, Patna.
3. The District Collector, Kaimur at Bhabhua.
4. The Sub-divisional Officer, Bhabhua, district- Kaimur.

..... Respondent 1st Set.

5. Radha Prasad Singh.
6. Mohan Prasad Singh.

Both sons of Late Sahdeo Singh, resident of Village- Parasia,
PO+PS- Kuchchila, District- Bhabhua.

.... Respondent/s

Appearance :

(In CWJC No.832 of 1997)

For the Petitioner/s : Mr. K.N. Choubey, Sr. Adv.
Mr. Ravi Kumar, Adv.
Mr. Shashi Kumar

For the Respondent/s : Mr. R.P.Singh (SC)

(In CWJC No.925 of 1997)

For the Petitioner/s : Mr. K.N. Choubey, Sr. Adv.
Mr. Ravi Kumar, Adv.
Mr. Shashi Kumar, Adv.

For the Respondent/s : Mr. R.P.Singh (SC)



CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 05-10-2018

Learned counsel for the parties are present.

The orders impugned arise from the provisions of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 (hereinafter referred to as 'the Ceiling Act').

The writ petitions were admitted for hearing on 11.07.1997 and have 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 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 proceedings 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 applications stand disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13-10-2018
Transmission Date	NA

