

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1850 of 1997

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Panwati Devi, W/o Ram Chandra Rai, resident of village Baligaon Chandpura, Police Station Baligaon, (Patepur), District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Joint Director of Consolidation, Muzaffarpur.
3. Deputy Director of Consolidation, Vaishali at Hajipur.
4. Ram Charan Das Chela of Late Ayodhya Das, Resident of village Baligaon Chandpura, Police Station Baligaon (Patepur), District Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Prabhakar Jha, GP-27.

For Private-Respondent : Mr. Vipin Bihari Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-10-2018

None appears on behalf of the petitioner. Mr. Prabhakar Jha, learned Government Pleader No.27 for the State and Mr. Vipin Bihari Singh, learned counsel appearing for the private respondents are present.

The petitioner has questioned the order dated 30.12.1996 of respondent no.2 i.e. the Joint Director, Consolidation, Muzaffarpur passed in exercise of revisional jurisdiction, whereby the application filed by the private respondent was allowed and the writ petitioner was allowed to assail the same in an appropriate proceeding. Feeling aggrieved she is before this Court.

The writ petition was admitted for hearing on 30.04.1998



and has 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 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

