

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15525 of 2018

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Akhauri Vipin Bihari Srivastava, S/o Late Akhauri Mangla Charan Srivastava,
H.No. 122, Road No. 9, Srikrishna Nagar, Thana: Budha Colony, P.O.G.P.O.
Dist. - Patna, State - Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The State of Bihar through the Law Secretary, Bihar, Patna, Vikas Bhawan, Baily Road, Patna.
3. Chairman, Bihar Land Tribunal, Pollo Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prakash Sahay, Advocate
For the Respondent/s : Mr. Lalit Kishore - AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-08-2018

1. Present petition, in public interest, has been preferred by the petitioner for an appropriate writ/writs, direction/directions or order/orders to the Bihar Land Tribunal to function according to law and the Tribunal shall hold the Court by sitting all the members and then delivering the justice.

1.1 It is the case on behalf of the petitioner that as per the provisions of Bihar Land Tribunal Act, 2009 (hereinafter referred to as the Act, 2009), more particularly Section- 4, the Tribunal shall consist of a Chairman and not more than four other members from judicial and administrative wing appointed by the



State Government. It is the case on behalf of the petitioner that despite the above, at present the Tribunals are consisting of a single member and the single members are running the Tribunals individually, which is not permissible.

2 Learned Advocate General has pointed out Section-10 of the Act, 2009 and it is submitted that the function of the Tribunal is required to be conducted as per Sub-section (2) of Section-10 of the Act, 2009. It is submitted that, therefore, even a single member, nominated in this behalf, may constitute as a Tribunal and conduct the cases.

3. Having heard the learned counsel appearing on behalf of the respective parties and considering Section-10 of the Bihar Land Tribunal Act, 2009, it cannot be said that the Tribunals at present are functioning beyond the provisions of the Act, 2009. Section-10 of the Act, 2009 reads as under:

“10. Cognizance of cases filed under this Act –

(1) No other Court except the Courts mentioned in Schedule 2 shall take cognizance of a case filed under this Act.

(2) Any proceeding lying in a Court other than the ones mentioned in Schedule-1 of the act in which the issues raised are the same as the issues in a case under this Act, shall abate.

[“(3) After the abatement of the case under sub-section (2), the case filed under this Act shall be adjudicated and disposed off in accordance with



the provisions of this Act.”]”

4. Therefore, considering Section-10 of the Act 2009, more particularly Sub-section(2)(iii) of Section-10 read with proviso, a single member, nominated in this behalf by the Chairman, in such cases may constitute a Tribunal and act as a Tribunal. Therefore, the submission on behalf of the petitioner that at present the Tribunals being run and/or conducted by a single member is illegal and contrary to the Bihar Land Tribunal Act, 2009 has no substance.

5. In view of the above and for the reasons stated above, there is no substance in the present petition and the same deserves to be dismissed and is accordingly dismissed.

(Mukesh R. Shah, CJ)

(Dr. Ravi Ranjan, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

