

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19374 of 2015

=====

Sabitry Devi wife of Rabindra Sah @ Saheb Sah Resident of Village Pachai
Mubarak P.S. Raja Pakar Dist Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Additional Collector Mahua Vaishali
3. Dy. Collector Land Reforms, Vaishali.
4. Circle Officer, Block Raja Pakar Vaishali.
5. Sub-Divisional Officer, Mahua, Vaishali.
6. Circle Inspector, Rajapakar, Vaishali.
7. Suraj Sah son of Late Yadunandan Sah Resident of Village Pachai Mubarak
P.S. Raja Pakar Dist Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ratan Kumar Sinha
For the State	:	Mr Yogendra Pd. Sinha, AAG- 7
		Mr. Rajeev Kumar Sinha, AC to AAG-7

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-02-2019 Heard learned counsel for the parties.

The petitioner has questioned the legality of an order dated 24.04.2015, passed by the Additional Collector, Vaishali, in Land Settlement Appeal Case No. R40/08-09/131/13-14, whereby the *Basgit Parcha* issued in favour of the petitioner has been cancelled.

Learned counsel for the petitioner is correct in his submission that the said order of the Additional Collector is final under the Bihar Privileged Persons Homestead Tenancy Act, 1947.

Section 9 of the Bihar Land Tribunal Act, 2009 (for



short ‘the Act of 2009’), confers upon the Bihar Land Tribunal (for short ‘the Tribunal’) the powers to entertain any application against the final order passed by the appropriate authorities under various Acts/Manuals, including the Bihar Privileged Persons Homestead Tenancy Act, 1947. Evidently, the petitioner, without availing the statutory remedy under Section 9 of the Act of 2009, has filed the present writ application under Article 226 of the Constitution of India.

Learned counsel for the petitioner has argued that under *proviso* to Section 15 of the Act of 2009, this writ application may be transferred to the Tribunal for adjudication.

Considering the facts and circumstances, invoking the *proviso* to Section 15 of the Act of 2009, this matter is remitted to the Tribunal for adjudication.

Let the records of the case be sent to the Tribunal accordingly.

This disposes of this writ application.

(Chakradhari Sharan Singh, J)

HR/-

U			
---	--	--	--

