

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4332 of 1989

Gulam Rasool. Son of Late Mumtaz Ali, resident of Village-Sabutar, P.S. Krityanand Nagar, District-Purnea.

... .. Petitioner

Versus

1. The State of Bihar.
2. Special D.C.L.R., Sadar, Purnea.
3. Shailendra Narain Choudhary, Son of Late Mode Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea..
4. Mosst. Suhagin Devi, Widow of Late Bijendra Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea..
5. (a) Mostt. Kala Kiran Choudhary, Wife of Late Krishna Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
5. (b) Bhanu Shankar, Son of Krishna Murari Choudhary, resident of Mohalla-Sri Nagar Hata, S.P. Kothi Road, P.S. K. Hat, District-Purnea.
- 5(c) Smt. Nikki Devi, D/O Late Krishna Murari Choudhary, Wife of Sri Pappu Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 5(d) Koko Devi, D/O Late Krishna Murari Choudhary, Wife of Vikash Choudhary, resident of Mohalla- Sipahi Tola, P.S. K. Hat, District-Purnea.
- 5(e) Munni Devi, D/O of Late Krishna Murari Choudhary, Wife of not known, R/O Gotam Nagar, Sec-12, Noida-20, Delhi.
- 6(a) Mostt. Gulab Mala Devi, W/O Late Mukund Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 6(b) Rajesh Choudhary, Son of Late Mukund Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 7(a) Mostt. Manju Devi, W/O Late Madhav Murari Choudhary, resident of Village and P.O.-Parora, P.S. K. Nagar, District-Purnea.
- 7(b) Mritunjay Choudhary, Son of Late Madav Murari Choudhary, resident of Village and P.O.-Parora, P.S. K. Nagar, District-Purnea.
- 7(c) Arushi Kumari, D/O Late Madav Murari Choudhary, resident of Village and P.O.-Parora, P.S. K. Nagar, District-Purnea.



8. Smt. Mira Devi, D/O Late Bijendra Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
9. Smt. Suresha Devi, D/O Late Birendra Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
10. Manendra Narain Choudhary, S/O Late Hari Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
11. Fanendra Narain Choudhary @ Kalendra Narain Choudhary, S/O of Late Hari Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
12. Smt. Nirmala Devi, Wife of Shri Ramanand Singh and daughter of Late Raj Ballav Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
13. Bhupendra Narain Choudhary, Son of Chandra Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
14. Bishundeo Narain Choudhary, Son of Chandra Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.

... .. Respondents

with

Civil Writ Jurisdiction Case No. 4343 of 1989

1. (a) Bibi Momina Khatoon, Wife of Late Md. Taiyab, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.
1. (b) Md. Nazam, Son of Late Md. Taiyab, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.
1. (c) Md. Nazim, Son of Late Md. Taiyab, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.
- 1 (d) Md. Sarfarz, Son of Late Md. Taiyab, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.
- 1(e) Md. Tabrez, Son of Late Taiyab, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.
- 1(f) Md. Tanwir, Son of Late Taiyab, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.
- 1(g) Bibi Noorjahan, wife of Md. Asreif, resident of Village- Bisariya Sabutar, P.S. K. Nagar, District-Purnea.
- 1(h) Umera Khatoon, Wife of Md. Jahangir, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.



- 1(i) Bibi Munni, D/O Late Md. Taiyab, Wife of Abdul Kudus, resident of Village- Sabutar, P.S. K. Nagar, District-Purnea.
- 1(j) Bibi Anwarik, D/O Late Md. Taiyab, Wife of Md. Tmam, resident of Village- Lalganj, P.S. K. Hat, District-Purnea.
- 1(k) Bibi Anjum, D/O Late Md. Taiyab, Wife of Md. Mustez, resident of Village- Bisariya Sabutar, P.S. K. Nagar, District-Purnea.

... .. Petitioners

Versus

- 1. The State of Bihar.
- 2. Special D.C.L.R. Sadar, Purnea.
- 3. Mosst. Suhagin Devi, Widow of Late Bijendra Narain Choudhary, resident of Village- Parora, P.S. Krityanand Nagar, District-Purnea..
- 4(a) Mostt. Kala Kiran Choudhary, Wife of Late Krishna Murari Choudhary, resident of Village- Parora, P.S. Krityanand Nagar, District-Purnea.
- 4. (b) Bhanu Shankar, Son of Late Krishna Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 4(c) Smt. Nikki Devi, D/O Late Krishna Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District -Purnea.
- 4(d) Koko Devi, D/O Late Krishna Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District -Purnea.
- 4(e) Munni Devi, D/O of Late Krishna Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District -Purnea.
- 5(a) Mostt. Gulab Mala Devi, W/O Late Mukund Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 5(b) Rajesh Choudhary, Son of Late Mukund Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 6(a) Mostt. Manju Devi, W/O Late Madhav Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 6(b) Mritunjay Choudhary, Son of Late Madav Murari Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.
- 6(c) Arushi Kumari, D/O Late Madav Murari Choudhary,



resident of Village-Parora, P.S. Krityanand Nagar, District -Purnea.

7. Smt. Mira Devi, D/O Late Bijendra Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District -Purnea.

8. Smt. Suresha Devi, D/O Late Bijendra Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.

9. Shailendra Narain Choudhary, S/O Late Mod Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.

10. Manendra @ Manindra Narain Choudhary, S/O of Late Hari Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.

11. Kalendra @ Fanandra @ Fanindra Narain Choudhary, Son of Late Hari Narain Choudhary, resident of Village-Parora, P.S. Krityanand Nagar, District-Purnea.

12. Smt. Nirmala Devi, wife of Shri Ramanand Singh and daughter of Late Raj Ballav Narain Choudhary, resident of Village-Bishanpur, P.S. Bishanpur, District-Bhagalpur, at present residing in Village-Parora, P.S. Krityanand Nagar, District-Purnea.

... .. Respondents

Appearance :

(In Civil Writ Jurisdiction Case No. 4332 of 1989)

For the Petitioners : Mr. Bijendra Kumar Singh, Advocate
For the Respondent Nos.

5 (a) to 7(c) : Mr. Rabindra Nath Tiwari, Advocate

For the State : Mr. S.C. 6

(In Civil Writ Jurisdiction Case No. 4343 of 1989)

For the Petitioners : Mr. Bijendra Kumar Singh, Advocate
For the Respondent

Nos. 4(a) to 6(c) : Mr. Rabindra Nath Tiwari, Advocate

For the State : Mr. S.C. 6

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

15 02-12-2021

Heard learned counsels appearing on behalf of the



parties.

Re.: **C.W.J.C. No. 4332 of 1989:**

The following is the relief sought for in the present writ application:

“1. For issuance of an appropriate writ, order or direction, specially writ in the nature of certiorari for quashing the order dated 25.03.89 passed in Case No. 262/84-85 by the learned Special L.R.D.C. Sadar, Purnea (Respondent No. 2) as contained in Annexure-5 of this application.”

Re. **C.W.J.C. No. 4343 of 1989:**

The following is the relief is the relief sought for in the present writ application:

“1. For issuance of an appropriate writ, order or direction, specially writ in the nature of certiorari for quashing the order dated 25.03.89 passed in Case No. 450/83 by the learned Special D.C.L.R. Sadar, Purnea (Respondent No. 2) as contained in Annexure-5 of this application.”

At this juncture, it is pertinent to refer to the object and provisions of The Bihar Land Tribunal Act, 2009. The Bihar Land Tribunal Act, 2009, was enacted, *inter-alia*, as it was deemed expedient to create a consolidated forum for adjudication of all disputes arising out of The Bihar Land Reforms Act, 1961, The Bihar Tenancy Act, 1885, The Bihar Consolidation Act, 1956 and other Acts as mentioned in Section



9 of the Bihar Land Tribunal Act, 2009. Thus, the Legislature deemed it necessary to create a tribunal, known as Bihar Land Tribunal, at the highest level in the hierarchy.

Section 9 of The Bihar Land Tribunal Act, 2009, discusses the power of the Bihar Land Tribunal and reads as follows:

“Section 9-Powers of the Tribunal

(1) The Tribunal shall have the power to entertain any application against the final order passed by the Appropriate Authorities under the Acts/Manuals, mentioned below, within 90 days of such an order provided no other forum of appeal or revision against the order passed is provided in that Act/Manuals:

(i) The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961

(ii) The Bihar Land Reforms Act, 1950

(iii) The Bihar Tenancy Act, 1885

(iv) The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956

(v) The Bihar Tenants' Holdings (Maintenance of Records) Act, 1973

(vi) The Bihar Bhoodan Yagna Act, 1954

(vii) The Bihar Privileged Persons Homestead Tenancy Act, 1947

(viii) The Bihar Government Estates Manual, 1953

(ix) The Bihar Settlement Manual

It shall be open to the State Government to add or remove any Law/Manual in or from the list hereinafore mentioned.

(2) In addition, the Tribunal shall decide any case transferred to it by the Government of Bihar or by the Hon'ble High Court of judicature at Patna with



regard to any other revenue or land reforms Law/Manual for the time being in force.

(3) The Tribunal shall have powers vested in the Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) including the power to recommend to punish for Contempt of Court.”

Section 15 of The Bihar Land Tribunal Act, 2009, deals with the Transfer of proceedings pending in Patna High Court/State Government to the Tribunal and reads as follows:

“Section 15-Transfer of proceedings pending in Patna High Court/State Government to the Tribunal.

All cases connected with the Acts/Manuals dealt with under Section-9 of this Act and pending in the High Court of Judicature at Patna but excluding writ petitions filed under Articles 226 and 227 of the Constitution of India and cases pending with the State Government, immediately before the commencement of this Act, as could have been within the jurisdiction of such Tribunal, and cases arising after the commencement of this Act, as would have been within the jurisdiction of such Tribunal, shall stand transferred to the Tribunal with effect from the said date of commencement:

Provided further that it shall be open to the High Court of judicature at Patna to remit the dispute pending adjudication in any writ proceeding before it for adjudication by the Tribunal.”

Taking into account, the object and above referred provisions of the Act, the present dispute is remitted to the Bihar Land Tribunal. The petitioners are granted liberty to file an



application before the Bihar Land Tribunal within ninety days from today. It is needless to say that in case any such application is filed, the Tribunal shall hear the matter after giving proper notice to the parties concerned and pass an appropriate order in accordance with law. It is worthwhile to indicate here that in case during pendency of this writ application before this Court, any of the party has died then their legal heirs will be duly substituted/impleaded as party to the case before the Bihar Land Tribunal after following the procedure as prescribed by law.

Since the matter is pending for a long period of time, it is expected that the Tribunal shall give priority to such old disputes and if possible, dispose of such application, at the earliest, preferably within a period of one year from the date of filing of such application.

With the aforesaid observation, these writ applications are disposed of.

(Sudhir Singh, J)

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