

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8560 of 1998

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1. Ramu Mahto S/o late Garbhu Mahto
 2. Awadhesh Kumar, S/o Ramu Mahto
 3. Manohar Prasad, S/o Shyam Lal Pd.
 4. Munki Devi, wife of Rameshwar Mahto
 5. Kanti Devi wife of Prakash Ram
 - 6/a Rajendra Prasad Singh
 - 6/b Pramod Prasad
 - 6/c Bharat Prasad
 - 6/d Shanti Devi
 - 6/e Sarvzila Devi

All are sons and daughter of Late Chamari Mahto and are resident of village-Katari, P.S. Rajgir, At present-P.S. Chhabilapur, District-Nalanda.

- 7/a Babulal Choudhary
- 7/b Basant Choudhary
- 7/c Saro Devi
- 7/d Sonamati Devi

All are sons and daughters of Late Ramdhani Choudhary, residents of village-Katari, P.S. Rajgir, At present-P.S. Chhabilapur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Collector, Nalanda at Bihar Sharif.
3. The D.C.L.R at Bihar Sharif, Nalanda.
4. The Anchal Adhikari, Rajgir, Nalanda.
5. Ram Kishun Paswan, S/o Desain Paswan
resident of village-Katari, P.S. Rajgir, District-Nalanda.
6. Vidyanand Prasad, S/o late Sulochan Mahto,
8. Siya Sharan Prasad, S/o Sanichar Mahto
9. Rameshwar Mahto, S/o Budhu Mahto,
10. Lalla Mahto, S/o Ganauri Mahto &
11. Satyendra Prasad, S/o Raj Kishun Prasad
All residents of village-Katari, P.S. Rajgir, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar
For the Respondent/s : Mr.Gp2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 09-12-2021 Heard the parties.

The present writ application has been filed for
following relief(s):



(a) For setting aside the order dated 04-09-1998/08-09-1998 passed in Bataidari Appeal Case No. 1 of 1996-97 by the Additional Collector, Nalanda, respondent No. 2 as contained in Annexure-3 by which he has declared the Respondent No. 5, Ram Kishun Paswan as Bataidar with respect to the lands of the petitioners and also for setting aside the order dated 12-06-1987 passed in Bataidari Case No. 06 of 1984-85 by the D.C.L.R. (respondent No. 3) at Bihar Sharif Nalanda as contained in Annexure-1 by which he has declared the Respondent No. 5 Ram Kishun Paswan as Bataidar with respect to the lands of the petitioner.

(ii) For commanding the state-respondents-authorities to settle the Batai dispute between the petitioners and the respondent No. 5 in accordance with law.

(iii) For any other relief or reliefs for which, the petitioner is entitled to in accordance with law.



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 read 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 Yagya 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 hereinafter 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:

Section15-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 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, this writ application
is disposed of.

(Sudhir Singh, J)

A.K.V.//-

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