

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11374 of 2001

Arvind Ram, S/o Sri Ramadhari Ram, resident of village-Olidad, P.S. Arwal,
District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. President, Bihar Bhudan Yagna Committee, Kadam Kuan, Patna-3
3. Secretary, District Bhudan Yagna Committee, Jehanabad.
4. Chairman, Distribution Committee, Jehanabad.
5. President, Distribution Committee, Jehanabad.
6. District Magistrate, Jehanabad
7. The Sub Divisional Officer, Jehanabad.
8. L.R.D.C. Jehanabad.
9. The Superintendent of Police, Arwal, Distt. Arwal (Bihar)
10. Mental Nut, S/o Nirmohi Nut, resident of village-Khamaini, P.S. Arwal,
District-Jehanabad.
11. Sohrai Nut, S/o Nirmohi Nut, resident of village-Khamaini, P.S. Arwal,
District-Jehanabad.
12. Nepha Paswan, S/o Jiurakhan Paswan, resident of village-Khamaini, P.S.
Arwal, District-Jehanabad.
13. Kamta Gosai, S/o Gopi Gosai, resident of village-Khamaini, P.S. Arwal,
District-Jehanabad.
14. Ram Dinesh Ram, S/o Ram Govind Ram, resident of village-Khamaini,
P.S. Arwal, District-Jehanabad.
15. Savita Devi, Wife of Arjun Tanti, resident of village-Khamaini, P.S.
Arwal, District-Jehanabad.
16. Jata Choudhary, S/o Kanhai Choudhary, resident of village-Khamaini, P.S.
Arwal, District-Jehanabad.
17. Mehru Khatoon, W/o Phul Mohammad, resident of village-Khamaini, P.S.
Arwal, District-Jehanabad.
18. Lakhandar Nut S/o Nirmohi Nut, resident of village-Khamaini, P.S.
Arwal, District-Jehanabad.
19. Tendar Nut, S/o Nirmohi Nut, resident of village-Khamaini, P.S. Arwal,
District-Jehanabad &
20. Siaram Paswan, S/o Jiurkhan Paswan resident of village-Khamaini, P.S.
Arwal, District-Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bindhyachal Singh
For the Respondent/s : Mr. Vinay Kumar Pandey, AC to G.A.2

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-12-2021

Heard the parties.



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

(i) For quashing the certificate issued by the “Karyya Mantri” Bihar Bhudan Yagna Committee, Patna on 16-07-1999 in favour of respondent vide certificate No. 688992 to 689000 contained in Annexure-6 series whereby land measuring an area of 12 ½ decimal of Khata No. 199 plot No. 3128 of 2028 which was already granted in favour of petitioner vide certificate No. 613949 dated 30.3.1982 by the incharge Land Distribution Camp Office, Bihar Bhudan Yagya Committee, Patna was again redistributed in favour of No. 10 to 20 without cancelling the aforesaid certificate issued in favour of the petitioner.

(ii) For commanding the respondents-authorities to protect the property of the petitioner by ensuring his possession over the aforesaid concerned land donated in his favour by Bihar Bhudan Yagya Committee and also to restrain the private respondents from disturbing the possession of the petitioner from the aforesaid concerned plot of land.



(iii) For holding that granting the certificate by the respondent Bihar Bhudan Yagya Committee (hereinafter referred to as committee) in favour of respondents No. 10 to 20 with certificate has already been granted in favour of the petitioner long back is nonest and void in the eye of law.

(d) 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 heirarchy.

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 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 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 petitioner is 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)

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