

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7955 of 2006

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Ram Bhajo Mandal @ Ram Bhaju Mandal, Son of Late Natho Mandal,
resident of Village-Situhar, P.S. and P.O. Haveli Kharagpur, District-Munger.

... .. Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Revenue Department, Government of Bihar, Secretariat at Patna.
3. The Collector, Munger, having his office at Munger.
4. The Sub-Divisional Officer, Kharagpur, having his office at Kharagpur, District-Munger.
5. The Deputy Collector, Land Reforms Kharagpur, having his office at Kharagpur, District-Munger.
6. The Circle Officer, Kharagpur having his office at Kharagpur, District-Munger.
7. Pramod Choudhary.
8. Ashok Choudhary, both sons of Ram Dular Choudhary.
9. Pawan Choudhary, son of Niranjana Choudhary.
10. Shiv Kant Choudhary, son of Ramrup Choudhary. All residents of Village-Parsando, P.S.-Haveli Kharagpur, District-Munger.

... .. Respondents

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Appearance :

For the Petitioner	:	M/S. Manoj Kumar and Prabhakar Kumar, Advocates
For the State	:	Mr. A.A.G.-3.
For the Respondent	:	
Nos. 7 to 10	:	M/S. Amitabh Bhardwaj, Pramod Kumar Singh and Awadhesh Kumar Singh, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

9 23-12-2021 Heard learned counsels appearing on behalf of the parties.

The following are the reliefs sought for in the present writ application:

“1. (i) A writ in the nature of Certiorari or any other appropriate order or direction be issued for quashing of order dated 01.11.2004 (Annexure-3) passed by the



Collector, Munger, in Bataidari Appeal No. 1/03-04 as well as order dated 30.08.2003 (Annexure-2) passed by the Sub-Divisional Officer, Kharagpur in Bataidari Case No. 1/2001-02.

(ii) An appropriate writ/order or direction be issued directing the respondents not to disturb the peaceful physical possession of the petitioner over the land in question by staying the operation of order dated 01.11.2004 (Annexure-3) as well as order dated 30.08.2003 (Annexure-2) passed by the Collector in Bataidari Appeal No. 1/2003-04 and Sub-Divisional Magistrate in Bataidari Case No. 1/2001-02 respectively.”

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 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:

“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 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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