

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14465 of 2008

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KASHI SINGH, son of Late Gurucharan Singh, resident of village-
Moresarai, P.s.- Sheosagar, district- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Consolidation, Budh Marg, Patna.
3. The Assistant Director Consolidation, Rohtas -cum- Kaimur at Sasaram.
4. The Consolidation Officer, Mohania, District- Kaimur at Bhabhua.
5. Sampat Kumar Singh
6. Lallan Prasad Singh, both sons of late gurucharan Singh and residents of village Moresarai, P.s.- Sheosagar, District- Rohtas at Sasaram.
7. Markandey Singh son of Late Ram Ashish Singh, r/o- village Barej, P.s.- Bhabhua, District- Kaimur at Bhabhua.
8. Ram Pravesh Singh
9. Ram Naresh Singh
- Sl. Nos. 9 and 10 sons of Aliyar Singh and resident of village Barej, P.s.- Bhabhua, District- Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anjani Kumar Sinha 1
For the Respondent/s	:	Mr. Siddharth Harsh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

8 16-12-2021 Heard the parties.

The present writ application has been filed on behalf
of the petitioner for the following relief(s):-

- i) To quash the order dated 28.1.1992 passed by the Consolidation Officer, Mohania, the Respondent No. 4 in Case No. 290/91-92 filed U/s 6(1) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (in short the Act) by the respondents no. 5 and 6 allowing the permission to sell 31 decimals in Plot No. 1345 and 34 decimals in Plot No. 1346, both under Khata No. 3, Thana No. 131, village Mohania, P.S.- Mohania with the district of Kaimur (Bhabhua) vide ANNEXURE-7



in spite of objection raised by the petitioner and his vendees.

ii) To quash the order dated 9.7.1992 passed by the Assistant Director, Consolidation, Rohtas at Sasaram, the Respondent No. 3, in Appeal No. 710/91-92 filed U/s 6(4) of the Act (though in the C.C. of order it is wrongly stated to be 10(6) of the Act) by the petitioner, against the original order, as contained in ANNEXURE-8 dismissing the appeal under a wrong impression of facts and law both.

iii) To quash the order dated 05.05.08 and subsequently modified vide order dated 30.06.08 passed by the Director, Consolidation, the Respondent No. 2 in Cons. Revision No. 695 of 1992 U/s of the Act preferred by the petitioner as contained in ANNEXURE-9 & 9/1 against both the original as well as appellate orders as contained in ANNEXURE-7 & 8 whereby and where under the learned Respondent No. 2 has illegally remanded back the matter for fresh disposal to the appellate court in accordance with law after looking in to procedural and legal matters of the case apparently under a wrong impression of facts and against his own decision in a previous Revisional Case decided way back on 10.9.93 vide ANNEXURE-4 between the same parties and with regard to same disputed facts and law which is still subjudice before this Hon'ble Court in writ jurisdiction vide ANNEXURE-5, and

iv) To pass any other appropriate relief/reliefs which may appear fit and proper in the ends of justice including a direction to hear this writ application also along with C.W.J.C. 9665 of 1993 which is a case relating to major portion of the present disputed land and pending for final hearing before this Hon'ble Court so that the entire issue may be decided for ever.”



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:

“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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