

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2947 of 2023**

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1. Md. Sharful Hoda son of Abdul Rashid resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
2. Shamsuj Joha @ Shamsuzzoha, son of Abdul Rashid, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
3. Md. Yasin @ Yasin, son of Abdul Rashid, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
4. Md. Noor Alam @ Noor Alam, son of Abdul Rashid, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
5. Jamil Akhtar, son of Abdul Rashid, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
6. Sohail Alam @ Md. Sohal Alam, son of Abdul Rashid, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
7. Md. Haider @ Haider, son of Late Jasiruddin, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
8. Hasibur Rahman @ Md. Hasibur Rahman, son of Late Jasiruddin, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
9. Md. Ayub @ Aiyub, son of Late Jasiruddin, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.
10. Iftekhhar Ahmed @ Istekhhar, son of Late Jasiruddin, resident of Village- Chauki Mohna, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Collector, Katihar, District- Katihar.
3. The Additional Collector, Land Ceiling, Katihar, District- Katihar.
4. The Circle Officer, Kadwa, District- Katihar.

..... Respondent 1<sup>st</sup> Set

5. Md. Sikandar, son of Late Hamidur Rahman, resident of Village- Chauki, P.S.- Kadwa, District- Katihar.
6. Md. Haroon, son of Late Hamidur Rahman, resident of Village- Chauki, P.S.- Kadwa, District- Katihar.
7. Mushfique Alam, Son of Gyasuddin, resident of Village- Chauki, P.S.- Kadwa, District- Katihar.
8. Most. Maskina Khatoon, Wife of Gyasuddin, resident of Village- Chauki, P.S.- Kadwa, District- Katihar.
9. Shahjadi Khatoon, Daughter of Ghulam Mustafa, resident of Village- Chauki, P.S.- Kadwa, District- Katihar.

... .. Respondent 2<sup>nd</sup> Set

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**Appearance :**

For the Petitioner/s : Mr. Najeeb Ahmad, Advocate  
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      18-07-2023                      Heard learned counsel for the petitioners and learned counsel for the State.

2.The present writ petition has been filed for quashing of the order dated 18.10.2022 passed in Misc. Ceiling Case No. 505/2022-23 by the Court of Collector, Katihar whereby and whereunder case filed by the writ petitioners for cancellation of Red Card made in settlement Case No. 154C/1976-77 has been dismissed on the point of admission for want of petition under Section 5 of Limitation Act as well as for restraining the respondent 2<sup>nd</sup> set from interfering with peaceful possession of petitioner till the final disposal of instant writ petition.

3. After some argument, learned counsel for the petitioners seeks permission prefer an appropriate application before the Bihar Land Tribunal, in view of the provisions of Sections 9 and 15 of the Bihar Land Tribunal Act, 2009 ( Bihar Act 9 of 2009), which reads as under :-

***“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) [xxx]*
- (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*
- (x) Bihar Land Disputes Resolution Act, 2009*
- (xi) Bihar Special Survey and Settlement Act, 2011.*
- (xii) Bihar Land Mutation Act, 2011*

*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.*

**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.”*

4. Since the present writ petition relates to The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 [Bihar Act 12 of 1962], which is a schedule Act, under Section 9 of the Bihar Land Tribunal Act, 2009 (Bihar Act 9 of 2009), this Court is of the opinion that the matter can well be adjudicated by the Tribunal

5. Accordingly, in view of proviso to Section 15 of the Bihar Land Tribunal Act, 2009, the Registry is directed to transmit the record of this case to the Tribunal forthwith.

6. However, it is expected that the Tribunal will hear and disposed of the case within a period of nine months from the date of receipt of record of this case after sending and service of notices to all the parties concerned, including the petitioner. Bihar Land Tribunal is also directed to pass order about applicability of the Limitation Act, 1963 as mentioned in the revision also.

7. With the aforesaid observation, the present writ  
petition is disposed off.

**(Dr. Anshuman, J.)**

ravishankar/-

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