

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3990 of 2016

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Md. Mostakim Son of Late Sheikh Abdul Zabbar, Resident of Village - Kewala Malik, P.S. - Amdabad, District - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar Patna
2. The Collector Katihar.
3. The Additional Collector, Katihar.
4. The D.C.L.R., Manihari.
5. The Circle Officer, Amdabad.
6. Sheikh Manir, Son of Late Sheikh Nazir, Resident of Village - Kewala Mallik, P.S. - Amdabad, District - Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shruti Sinha
For the Respondent/s : Mr. Ajit Pratap Singh- Sc15

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-11-2023 Heard learned counsel for the parties.

2. This writ application has been filed for quashing order passed by learned Additional Collector, Katihar (Respondent No. 3) dated 24.12.2023 in Revision Case No. 401 of 2013 and also for quashing order dated 21.09.2012 passed by the D.C.L.R., Manihari (Respondent No. 4) in Mutation Appeal Case No. 37 of 2011-12 and further for quashing the mutation with respect to Kewala Malik 231, Khata No. 5/215, Kheshra No. 70, Rakwa 5 decimals of land in favour of respondent No. 6.

3. Learned counsel for the respondent raises



preliminary objection regarding maintainability of the case to the effect that an alternative remedy is available to the petitioner. He submits that during pendency of the writ petition, Bihar Land Tribunal has become functional and proviso to Section 15 of the Bihar Land Tribunal Act, 2009 which reads as:

“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”.

Section 15 of the Act of 2009 stipulates that 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.

4. Learned counsel for the petitioner does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioner to approach the



Bihar Land Tribunal for proper adjudication of the matter.

5. In view of the aforesaid submission, let the petitioner file afresh application before the Bihar Land Tribunal for adjudication of the matter, within a period of four weeks from the date of receipt of this order.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

7. Writ petition stands disposed of with the aforesaid directions.

(Prabhat Kumar Singh, J)

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