

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20786 of 2014

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Haribansh Bari S/o Late Mahangu Bari R/o Village- Simari, Dudhipatti, P.S.-
Simari, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director Consolidation Bihar, Patna.
3. The Circle Officer, Simari.
4. The Joint Director Consolidation Bihat, Patna.
5. Mangru Ram S/o Ramchandra Ram R/o Village- Simari, Dudhipatti, P.S.-
Simari, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shambhu Sharan Sharma, Adv.
For the Respondent/s	:	Mr. A.K.Chaudhary, AAG-13.
For the Pvt. Res.	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 04-09-2023 Learned counsel for the petitioner, learned counsel for

the State and learned counsel for private respondents are

present.

2. This Court vide order dated 22.08.2023 allowed the

Interlocutory Application No.1 of 2019 preferred for

substitution of legal heirs of sole petitioner who died during

pendency of this writ petition but from the office notes it

transpires that an statement has been made in paragraph 5 of the

supplementary affidavit of the I.A. No.1 of 2019 that some of

the heirs have already died. Therefore, the order dated

22.08.2023 is modified to the extent that “Office is directed to



substitute the name of alive heirs and legal representatives of the sole petitioner within two days”.

3. Learned counsel for the petitioner submits that he has already filed vakalatnama on behalf of heirs and legal representatives of the sole petitioner which is on record. He further submits that he has challenged the order of revisional authority against which case shall lie before Bihar Land Tribunal according to provision laid down under Section 9 and 15.

4. Since the present matter relates to the provisions of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (Bihar Act 22 of 1956), which is a scheduled 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 the proviso to Section 15 of the Bihar Land Tribunal Act, 2009 (Bihar Act 9 of 2009), the Registry is directed to transmit the record of this case to the Tribunal forthwith after making proper substitution in this case.

6. It is expected that the Tribunal will hear and dispose of the case within a period of nine months from the date of receipt of the record of this case after sending and service of



notices to all the parties concerned, including the petitioners.

7. With this observation and direction, the present
Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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