

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8477 of 2015

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Md. Shahabuddin Son of Late Md. Rafique Resident of village - Pachgachhi,
Police Station - Balia Belone Kadwa , District - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Katihar
3. The Sub - Divisional officer, Barsoi, District - Katihar
4. The D.C.L.R., Barsoi, District - Katihar
5. The Circle officer, Kadwa, District - Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Rahmatullah, Advocate

For the Respondent/s : Mr. Ashok Priyadarshi, GA-4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-10-2023 Heard learned counsel for the parties.

2. Present writ petition has been filed for commanding the respondent authorities not to distribute/settle the land of the petitioner on the pretext of Gair Mazarua Aam land as also for directing the respondent authorities to allow mutation of the name of the petitioner in respect of the land in question and grant him receipt of the same.

3. Learned counsel appearing for the petitioner 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.

Learned counsel submits that liberty may be given to the petitioner to approach the Bihar Land Tribunal for proper adjudication of the matter.

4. 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.

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

(Prabhat Kumar Singh, J)

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