

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2316 of 1998

1. Prasad Manjhi, Son of Jugeshwar Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
2. Devendra Manjhi, Son of Bhola Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
3. Nagendra Manjhi, Son of Bhola Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
4. Bhardul Manjhi (Deleted) Son of Saheb Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
5. Dukha Ram, Son of Gauri Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
6. Kalika Sah (Deleted) Son of Surat Sah, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
7. Jawahar Sah (Deleted) Son of Surat Sah, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
8. Garib Thakur (Deleted) Son of Girdhari Thakur, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
9. Jalesar Sahni, Son of Bishun Dayal Sahni, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
10. Punit Sahni (Deleted) Son of Sukhal Sahni, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
11. Jokhu Manjhi (Deleted), Son of Kerai Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
12. Bishwanath Ram, Son of Lakhan Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
13. Shiv Kalia Devi, Wife of Vasdeo Sahni, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
14. Garib Ram, Son of Kunwar Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
15. Shankar Ram, Son of Panchu Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
16. Manoj Paswan, Son of Suruj Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
17. Vaidyanath Ram (Deleted), Son of Bhukhal Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
18. Bhekha Ram, Son of Girdhari Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
19. Sukrit Ram, Son of Babu Lal Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
20. Sheo Balak Ram Paswan, Son of Sheo Bachan Ram Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.

21. Ram Chandra Paswan, Son of Girdhari Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
22. Bhadai Manjhi, Son of Banhu Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
23. Sukhal Manjhi, Son of Khedu Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
24. Surat Manjhi, Son of Sahdeo Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
25. Suraj Manjhi, Son of Sahdeo Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
26. Mahendra Manjhi (Deleted), Son of Ram Phal Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
27. Ramji Ram, Son of Muni Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
28. Gauri Shankar Paswan, Son of Ram Chandra Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
29. Langtu Manjhi (Deleted), Son of Salhar Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
30. Bagar Manjhi (Deleted), Son of Ram Phal Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
31. Achche Lal Manjhi, Son of Jugesar Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
32. Sheodhari Manjhi, Son of Bhuwan Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
33. Bhajan Manjhi, Son of Lakhan Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
34. Bali Ram Manjhi, Son of Harendra Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
35. Ramesh Manjhi (Deleted), Son of Sahdeo Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
36. Virendra Ram, Son of Jodha Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
37. Bhuta Paswan, Son of Sindhu Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
38. Ram Balak Ram, Son of Sheo Chand Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
39. Gaya Paswan, Son of Nathuni Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
40. Jahari Sahni, Son of Bhikhari Sahni Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
41. Jameer Mian (Deleted), Son of Chechar Mian, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
42. Jaipal Ram, Son of Kunwar Ram, Resident of Village - Katgenawan, Police

Station - Adapur, District - East Champaran.

43. Inerman Ram, Son of Ram Lal Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
44. Dukh Ram (Deleted), Son of Deoki Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
45. Basdeo Ram, Son of Deoki Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
46. Govind Ram (Deleted), Son of Sheo Chand Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
47. Gujesar Sahni (Deleted), Son of Main Sahni, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
48. Ramdeo Ram (Deleted), Son of Sukhal Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
49. Khuba Ram, Son of Sukhdeo Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
50. Ram Chandra Sahni (Deleted), Son of Sukhdeo Sahni, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
51. Ram Lal Paswan (Deleted), Son of Bhukha Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
52. Jag Mohan Paswan (Deleted), Son of Charitar Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
53. Jokhan Ram (Deleted), Son of Sahdeo Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
54. Ramdeo Ram, Son of Birchan Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
55. Phaguni Manjhi (Deleted), Son of Jugesar Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
56. Surendra Ram, Son of Mukh Lal Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
57. Ganes Paswan (Deleted), Son of Dasai Paswan, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
58. Magni Ram (Deleted), Son of Mukh Lal Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
59. Shital Ram (Deleted), Son of Jalim Ram, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
60. Jagesar Manjhi (Deleted), Son of Deoraj Manjhi, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
61. Chchathu Lal Sahni (Deleted), Son of Sukh Lal Sahni, Resident of Village - Katgenawan, Police Station - Adapur, District - East Champaran.
62. Mithlesh Ram, Son of Ambika Ram, Resident of Village - Kanuiniya, Police Station - Adapur, District - East Champaran.
63. Ram Niwas Paswan, Son of Harup Paswan, Resident of Village - Kanuiniya, Police Station - Adapur, District - East Champaran.

- 64. Laichi Devi, Daughter of Ram Bilas Paswan, Resident of Village - Kanuiniya, Police Station - Adapur, District - East Champaran.
- 65. Sadain Manjhi, Son of Seman Manjhi, Resident of Village - Kanuiniya, Police Station - Adapur, District - East Champaran.
- 66. Jagdish Paswan, Son of Matha Paswan, Resident of Village - Kanuiniya, Police Station - Adapur, District - East Champaran.
- 67. Rajendra Paswan, Son of Matha Paswan, Resident of Village - Kanuiniya, Police Station - Adapur, District - East Champaran.
- 68. Sukhari Paswan (Deleted), Son of Jangal Paswan, Resident of Village - Dhab Dhababa, Block and Police Station - Adapur, District - East Champaran.

... .. Petitioner/s

Versus

- 1. The State of Bihar, Bihar, Patna.
- 2. The District Magistrate and Collector, East Champaran, Motihari.
- 3. The Additional Collector, Land Ceiling, East Champaran, Motihari.
- 4. The Sub-Divisional Magistrate, Raxaul.
- 5. The Anchal Adhikari, Chhauradano Anchal, District - East Champaran.
- 6. The District Superintendent of Police, East Champaran, Motihari.
- 7. Prabhas Chandra Yadav alias Prabhas Chandra Prasad, Son of Sheoraj Rai, deceased Resident of Village - Katgenwan, Post Office - Bakturwa, Police Station - Adapur, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. H. P. Singh, S.C.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

8 03-07-2023 Despite repeated call, no one appears on behalf of the

petitioners.

Mr. Manoj Kumar Sinha, learned AC to GA-9

appeared and submits that the present case is pending since long

before this Court. The subject matter of this case is agricultural

tenancy and the statute applicable is the Bihar Priviledged

Persons Homestead Tenancy Act, 1947.

Learned counsel for the State submits that Sections 9 and 15 of the Bihar Land Tribunal Act, 2009 (Act No. 9 of 2009) states as follows:

“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 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 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.

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.”

Learned counsel for the State submits that in the light of the new enactment and, particularly, in the light of legislative directions instructed under Section 15 of the Bihar Land Tribunal Act, 2009, Bihar Land Tribunal is having power to entertain the matter relating to the above mentioned subject and the matter relating to above subject excluding writ petitions filed under Articles 226 and 227 of the Constitution of India has to go before the Tribunal for such hearing. As such, in compliance of the legislative directions laid down under Section 15 of the Bihar Land Tribunal Act, 2009, this Court is hereby transferring this matter to the Tribunal.

The Registry is directed to transfer the same forthwith.

Since, this matter is very old, therefore, Tribunal is directed to conclude the hearing of this case on being transferred within nine months after sending notices to both the parties from the date of completion of their appearance.

With the aforesaid direction, the present writ petition is hereby disposed off.

(Dr. Anshuman, J.)

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