

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17698 of 2014

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Ram Mandal @ Ramanand Mandal @ Ramanand Singh son of Late Padarath Mandal resident of village - Pounkari, P.O. Basbitta, P.S. Shambhuganj, District - Banka, PIN - 813221

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Collector, Banka and Ors.
2. The Commissioner, Bhagalpur, District - Bhagalpur
3. The D.C.L.R. Banka, District - Banka
4. The Circle Officer, Shambhuganj, at Block and P.O. P.S. Shambhuganj, District - Banka
5. Chhedi Singh
6. Munilal Singh
7. Ram Chandra Singh all three (5 to 7) are sons of Late Saryug Pd. Singh resident of village - Pounkari, P.O. Basbitta, P.S. Shambhuganj, District - Banka, PIN - 813221
8. Shobha Kant Singh son of Late Damodar Singh resident of village - Barhoniyan, P.S. Sangrampur, District - Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.
For the Respondent/s : Mr. Bandana Singh, AC to SC -21

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed by the
counsel for the petitioner seeking following reliefs which are as
follows:-

“ (i) For issuance of writ in certiorari
nature and quashing the order dated 09.12.2004
(Annexure-22) passed by the learned Collector,
Banka (Respondent No.1) in Jamabandi Sudhar

Appeal No. 40 of 1990-91.

(ii) For quashing the order dated 28.12.1999(Annexure-21) passed by the learned Deputy Collector, Land Reforms, Banka, by which he had directed to deduct 3.37 acre area of the land from Khata No.29 Survey Plot No.55 and rest Survey Plot will remain intact in Jamabandi No.80 and further Jamabandi No.597 will remain as it is and send it for approval to the collector, Banka (Respondent No.1).

(iii) For direction to the respondents authority to restore Jamabandi No.80 in consonance with the records of right prepared under the scheme of consolidation proceeding, keeping in view the chakbandi record have been finally published in the name of the petitioner (Annexure-12).”

3. It transpires to this Court that matter is related to Consolidation Act, which covers under Section 9 of the Bihar Land Tribunal Act.

4. The present writ petition is related to Section 35 of Bihar Consolidation Of Holdings And Prevention Of Fragmentation Act, 1956, which is a Schedule Act under Section 9 of the Bihar Land Tribunal Act, 2009. This Court is of the opinion that this matter ought to be adjudicated by the Bihar Land Tribunal.

5. Since Section 15 of the Bihar Land Tribunal Act,

2009 empowers that the petitions filed under Articles 226 and 227 of the Constitution of India be immediately transferred to the Tribunal.

6. In this view of the matter, Registry is directed to transfer the record of this case to the Bihar Land Tribunal forthwith.

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

(Dr. Anshuman, J.)

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