

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7811 of 2023

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Satish Kumar Singh Yadav Son of Agnu Singh Yadav, Resident of Village-
Bichiyan, P.S.- Durgawati, District- Kaimur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Director, Consolidation (Chakbandi), Bihar, Patna.
3. The Chakbandi Directorate, Bihar, Patna.
4. The Joint Director, Consolidation (Chakbandi), Head Quarter, Patna.
5. The Consolidation (Chakbandi) Office, Durgawati, Kaimur.
6. The Instructor, Consolidation (Chakbandi), Directorate, Land Reforms and Revenue Department, Government of Bihar, Patna.
7. The Deputy Director, Consolidation (Chakbandi), Kaimur at Bhabhua.
8. The Assistant Director, Consolidation (Chakbandi), Kaimur at Bhabhua.
9. The District Magistrate, Kaimur at Bhabhua, Kaimur.
10. The Circle Officer, Durgawati, Kaimur at Bhabhua, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh
For the Respondent/s : Mr. Sajid Salim Khan (Sc25)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-10-2023 Heard learned counsel for the parties.

2. This writ application has been filed for the following reliefs:

“I. For issuance of an appropriate writ in the nature of CERTIORARI for setting aside / quashing the Memo No. 285 dated 06.03.2023 issued under signature of Instructor, Consolidation (Chakbandi), Directorate, Land Reforms & Revenue Department, Government of Bihar, Patna (Respondent No. 6) whereby and where under he has been pleased to direct the Consolidation Officer, Durgawati (Kaimur) (Patna)



to proceed in pursuance of Letter No. 842/Chak. Dated 14.09.2007 (Annexure- P/4 Series).

II. For issuance of an appropriate writ in the nature of CERTIORARI for setting aside / quashing the part of Letter No. 12/Chak.-Mu.-7-12/06 842 /Chak. dated 14.09.2007 whereby and where under the Director, Consolidation (Chakbandi), Patna directed the concerned Respondent Officials specifically paragraph no. 3 whereby and where under direction was issued with regard to land pertaining Anabad (Non Cultivated) Sarvsadharan (Annexure- P/4 Series).

III. For issuance of an appropriate writ in the nature of PROHIBITION restraining the Respondents to not cancel the Chakbandi which was made in the name of father of the Petitioner along with his brother pertaining to Khata No. 233 Chak, Plot No. 770 and 510 measuring an area of 52 and 6 decimals respectively and nature of land is Anabad Sarvsadharan and Chak Khata No. 232 Chak, Plot No. 36, measuring an area 10 decimals situated at Mauza-Bichiya and nature of land is recorded as Anabad Bihar Sarkar.

IV. For issuance of an appropriate writ in the nature of MANDAMUS commanding and directing the Respondent Authorities to produce the order dated 23.05.1990 passed in the Revision Case No. 940 of 1990 and after production of the same, the Hon'ble Court may quash / set-aside the aforesaid order by issuance of a writ in the nature of CERTIORARI.”

3. At the very outset, learned counsel for the State raises preliminary objection 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 petitioners 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 six 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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