

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20246 of 2012

Indradeo Gupta S/O Late Dwarka Lal Resident Of Mohalla Marwari Bazar,
Ward No. 5, P.S. District Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director, Consolidation, Government Of Bihar, Patna.
3. The Member Board Of Revenue, Govt. Of Bihar, Patna.
4. The District Magistrate Consolidation, Samastipur.
5. The Deputy Director Consolidation, Samastipur.
6. The Assistant Director, Consolidation, Samastipur.
7. The Consolidation Officer, Jitwarpur, Samastipur.
8. Satyanand Tiwari S/O Jageshwar Tiwari Resident Of Village Dudhpur, P.S. And District Samastipur.
9. Ram Balak Sah S/O Sri Laxmi Narayan Sah R/O Village Dudhpur, P.S. and District Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar
For the Respondent/s : Mr.Nirbhay K.Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 04-10-2023 Heard learned counsel for the petitioner and the State.

2. Present writ petition has been filed for quashing order dated 25.10.1996 passed in case no. 187 of 1991 by the Court of Collector, Samastipur with further prayer for quashing order dated 14.6.2011, passed in case no. 38 of 2011, by the Court of Collector, Samastipur. It is also prayed for directing the respondents to declare the deed in question as a valid deed executed by respondent no.8 in favour of mother of the petitioner.



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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