

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23167 of 2012

1. Bilash Prasad Singh, Son of Late Kumud Prasad Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
2. Om Prakash, Son of Sukho Mahto, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
3. Hemant Kumar, Son of Virendra Prasad Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
4. Anandi Prasad Singh, S/O Munsu Prasad Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
5. Suresh Prasad Singh, Son of Dharendra Pd. Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
6. Ambed Prasad Singh, Son of Nageshwar Prasad, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
7. Krishna Kumar, Son of Balram Prasad Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
8. Rajendra Prasad Verma, Son of Late Ramadhin Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
9. Pawan Kumar, S/O Late Gurudeo Pd. Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
10. Ajay Singh, Son of Panch Lal Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
11. Sikandra Pd. Singh, Son of Ramadhar Prasad, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
12. Prakash Mahto, Son of Bahadur Mahto, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
13. Vinesh Prasad Singh, Son of Jagdish Prasad, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
14. Vijay Sah, Son of Gauri Sah, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
15. Baleshwar Sah, Son of Bino Sah, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
16. Bijal Prasad, Son of Lakhan Prasad Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
17. Arun Singh, Son of Ragho Prasad, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
18. Sanjay Kumar, Son of Bishwanath Prasad Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
19. Asharfi Pd. Singh, Son of Chingi Pd. Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
20. Vijay Kumar, Son of Late Janak Pd. Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria



21. Ranbir Kumar, Son of Shakaldeo Pd. Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
22. Dharendra Pd. Singh, Son of Late Mainu Pd. Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
23. Bindeshwari Pd. Singh, Son of Late Manik Chand Prasad, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
24. Indradeo Prasad Singh, Son of Late Parmeshwar Pd. Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
25. Vilash Chandra Singh, Son of Late Jagdish Prasad Singh, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Munger Division, Munger
3. The Collector-Cum-District Magistrate, Khagaria
4. Addl. Collector, Khagaria
5. Sub-Divisional officer, Khagaria, District- Khagaria
6. Deputy Collector Land Reforms, Khagaria, District- Khagaria
7. Circle officer, Khagaria District- Khagaria
8. Circle Inspector, Khagaria District- Khagaria
9. Gram Panchayat Bhadas, Through Its Mukhiya
10. Umesh Sada, S/O Jai Jai Ram Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
11. Sunil Sada, Son of Dhodhar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
12. Mostt. Dulari Devi, Wife of Late Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
13. Shambhu Sada, Son of Baleshwar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
14. Pramod Sada, S/O Baleshwar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
15. Kisho Sada, S/O Dhodhar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
16. Ramji Sada, Son of Bhago Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
17. Maheshwar Sada Son of Moti Sada Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
18. Nand Kishore Sada, Son of Bhago Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria



19. Prem Sada, Son of Ramotar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
20. Lalan Sada, Son of Ramotar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
21. Indal Sada, Son of Suraj Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
22. Dilip Sada, Son of Jamun Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
23. Ranjit Sada, Son of Damodar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
24. Pankaj Sada, Son of Ramdeo Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
25. Shambhu Sada, Son of Nand Lal Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
26. Pulis Sada Son of Brahmdeo Sada Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
27. Ashok Sada, Son of Parmeshwar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
28. Sapan Sada, Son of Sunder Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
29. Umesh Sada, Son of Tarni Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
30. Raban Sada, Son of Baleshwar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
31. Lalku Sada, Son of Baleshwar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
32. Pukar Sada, Son of Ram Bahadur Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
33. Babloo Sada, Son of Jageshwar Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
34. Kamleshwari Sada, Son of Phagu Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
35. Bechan Sada, Son of Narayan Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
36. Sanjay Sada, Son of Siko Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
37. Kuldeep Sada Son of Brahmdeo Sada Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
38. Pintu Sada, Son of Bideshi Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
39. Dharmendra Sada, Son of Prem Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
40. Dularchand Sada, Son of Maheshwar Sada, Resident of Village- Bhadash



North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria

41. Vijay Sada, Son of Laddu Lal Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
42. Babloo Sada, Son of Yogi Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
43. Maini Devi Wife of Late Nityanand Sada Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
44. Sultan Sada, Son of Tilo Sada, Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria
45. Shambhu Sada Son of Lakhan Sada Resident of Village- Bhadash North, P.O. Bhadas South, P.S. Khagaria, District- Khagaria

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate
For the Respondent/s : Ms. Kumari Amrita, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 25-02-2023 Heard learned counsel for the parties.

The petitioner has filed the instant writ application for the following relief(s):-

“That, this application is for issuance of an appropriate writ(s)/order(s)/direction and thereby to issue a writ in the nature of 'CERTIORARI' and thereby to quash the order of settlement vide Land Settlement record No.9/08-09 vide order dated 12.5.2010 passed by Commissioner, Munger Division Munger and duly communicated by learned district Magistrate Khagaria vide order dated 14.5.2010 on the basis of which Parwana has been issued to 36 settlees by the authorities of Anchal & sub-division over Gairmazarua Aam Land in favour of Respondent No. 10 to 45, appertaining to Khata No. 1517, Khesra No.4700 area 0.9 acre



and Khata No.1714 Plot No.5218 are 0.99 acre is. total 1 Acre 8 decimals of Mauza Bhadas (north) P.S.& anchal-Khagaria District Khagaria.”

It is submitted by learned counsel appearing for the respondents that the petitioner has an alternate and efficacious remedy of pursuing his case before the tribunal constituted under the Bihar Land Tribunal Act, 2009 ('the Act' in short)

Sections 9 and 15 of the Act are quoted herein below for ready reference.

“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

It shall be open to the State Government to add or remove any Law/Manual in or from the list hereinfore 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.”

Having heard the parties and taking into consideration the relevant provisions of the Act, especially section 9 and proviso to section 15 of the Act, the instant application is



remitted to the learned tribunal constituted under the Act for adjudication in accordance with law.

Before the records are sent, the office of this Court will retain a complete photocopy of the order sheet as also a complete copy of the petition along with all annexures etc.. Thereafter, the original records will be transferred to the tribunal constituted under the Act.

The parties who have appeared in the writ application shall appear before the tribunal within a period of four weeks. With respect to those who have not appeared, the tribunal shall notify the date and place of hearing as provided under Rule 12 of the Bihar Land Tribunal Rules 2010 and thereafter proceed to decide the case in accordance with law.

It is clarified that the interim order/protection, if any, granted to the petitioner in the instant application shall continue till the first date of hearing in the tribunal.

The writ application stands disposed of.

(Partha Sarthy, J)

avinash/-

U			
---	--	--	--

