

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9722 of 1998

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1. Ram Surat Paswan son of Thakuri Paswan resident of Village- Siswania Pokhra, P.S. Ramgarhwa, District- East Champaran.
 2. Sitaram Paswan son of Mahipat Paswan resident of Village- Siswania Pokhra, P.S. Ramgarhwa, District- East Champaran.
 3. Ramdayal Paswan son of Tapeswar Paswan resident of Village- Siswania Pokhra, P.S. Ramgarhwa, District- East Champaran.
 4. Jogesh Manjhi son of Ramji Paswan resident of Village- Siswania Pokhra, P.S. Ramgarhwa, District- East Champaran.
 5. Munilal Manjhi son of Sanjivan Manjhi resident of Village- Siswania Pokhra, P.S. Ramgarhwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, East Champaran at Motihari.
3. The Additional Collector, East Champaran at Motihari.
4. The Land Reforms Deputy Collector, Raxaul, District- East Champaran.
5. Parvati Devi wife of Bishundeo Sahni At serial no. 5 of Village- Siswania Pokhara, P.S. Ramgarhwa, Anchal Ramgarhwa, District- East Champaran.
6. Bishundeo Sahani son of Radhika Sahani At serial no. 6 of Village- Siswania Pokhara, P.S. Ramgarhwa, Anchal Ramgarhwa, District- East Champaran.
7. Indrajeet Paswan son of Mohan Paswan At serial no. 7 of Village- Siswania Pokhara, P.S. Ramgarhwa, Anchal Ramgarhwa, District- East Champaran.
8. Shambhu Prasad son of Kundan Prasad resident of Village- Ramgarhwa Bazar, P.S. Ramgarhwa, Anchal Ramgarhwa, District- East Champaran.
9. Nagina Prasad son of Jagat Narain Prasad resident of Village- Ramgarhwa, P.S. Ramgarhwa, Anchal Ramgarhwa, District- East Champaran.
10. Radha Mohan Singh son of Mathura Singh resident of Village- Bahuari, P.S. Ramgarhwa, East Champaran, got power of Attorney on behalf of landlord Ashim Babu of Murala (Ramgarhwa) Kothi, P.S. Ramgarhwa, Anchal Ramgarhwa, East Champaran.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 3058 of 1999

1. Bijuli Paswan, son of Late Haruni Paswan, Village-Siswania Pokhara, P.S. Ramgarhwa, District-East Champaran.
2. Rajdhari Paswan, son of Late Jamadar Paswan, Village-Siswania Pokhara, P.S. Ramgarhwa, District-East Champaran.
3. Thag Manjhee, son of Ganesh Manjee, Village-Siswania Pokhara, P.S.

Ramgarhwa, District-East Champaran.

4. Dhrup Lal Manjhee, son of Mangni Manjhee, Village-Siswania Pokhara, P.S. Ramgarhwa, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, East Champaran at Motihari.
3. The Additional Collector, East Champaran at Motihari.
4. The Land Reforms Deputy Collector, Raxaul, District-East Champaran.
5. Mahboob Mian, son of Satrali Mian, Village-Ramgarhwa Bazar, P.S. Ramgarhwa, East Champaran.
6. Paudharo Devi, Wife of Jagrup Sahani, Village-Ramgarhwa Bazar, P.S. Ramgarhwa, East Champaran.
7. Tej Rai, son of Mulajim Rai, Village Murala, P.S. Ramgarhwa, Dist. East Champaran.
8. Mukhlal Paswan, son of Paspas Paswan, Village-Bahuari, P.S. Ramgarhwa, Anchal-Ramgarhwa, District-East Champaran.
9. Ramjit Mahto, son of Deo Narain Mahto, Village-Bahuari, P.S. Ramgarhwa, Anchal-Ramgarhwa, District-East Champaran.
10. Radha Mohan Singh, son of Mathura Singh, Village-Bahuari, P.S. Ramgarhwa, Anchal-Ramgarhwa, District-East Champaran.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 9722 of 1998)

For the Petitioner/s : Mr. Md. Matloob Rab, Adv.
Mr. Md. Aslam Ansari, Adv.

For the Respondent/s : Mr. Chitranjan Sinha, GP-2

(In Civil Writ Jurisdiction Case No. 3058 of 1999)

For the Petitioner/s : Mr. Md. Matloob Rab, Adv.
Mr. Md. Aslam Ansari, Adv.

For the Respondent/s : Mr. Deepika Sharma, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-07-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for quashing
the order dated 24.08.1998 passed by the Additional Collector,

East Champaran at Motihari., whereby the appeal of the petitioner being Bataidari Case No. 3 of 1997-98 has been dismissed vide order date 24.08.1998. The petitioner has also prayed for quashing of the order dated 20.12.1996, whereby the Bataidari case has been dismissed on the basis of so-called local inspection.

3. After some arguments, learned counsel for the petitioners seek permission to prefer an appropriate application before the Bihar Land Tribunal, in view of the provisions of Sections 9 and 15 of the Bihar Land Tribunal Act, 2009 [Bihar Act 9 of 2009], which reads as under :-

“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) [xxx]

(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.”

4. Since, the present writ petition relates to the Bihar Tenancy Act, 1885 [Act VIII of 1885] which is a schedule Act, under Section 9 of the Bihar Land Tribunal Act, 2009 [Bihar Act 9 of 2009], this Court is of the opinion that the matter can well

be adjudicated by the Tribunal

5. Accordingly, in view of proviso to Section 15 of the Bihar Land Tribunal Act, 2009, the Registry is directed to transmit the record of this case to the Tribunal forthwith.

6. However, it is expected that the Tribunal will hear and disposed off the case within a period of nine months from the date of receipt of record of this case after sending and service of notices to all the parties concerned, including the petitioners.

(Dr. Anshuman, J.)

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