

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11970 of 2011

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MADAN PASWAN Late Ram Briksh Paswan Vill- Akona, P.S-Amas , Sub
Division Sherghati, Dist-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Collector Gaya
3. Joint Director Consolidation of Land, Gaya
4. S.D.O Sherghati Dist-Gaya
5. Lands Consolidation Officer, Amas, Gaya
6. Circle Officer, Amas Dist-Gaya
7. Birju Paswan and Santa Paswan Late Kirti Paswan Vill- Alodichak , P.S-
Amas Dist-Gaya
8. Lakshmi Devi Late Kamta Paswan & Mina Devi Resident Of Alodichak,
P.S- Amas, Dist-Gaya
9. Sachal Paswan S/o Late Kirit Paswan
10. Meena Devi W/o Late Nanku Paswan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Sinha
For the Respondent/s : Mr. Yatindra Narayan, AC to GP-16

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

13 10-10-2023 Heard learned counsel for the parties.

2. This writ application has been filed for setting aside
order dated 28.12.2010 passed in Consolidation Revision Case
No. 76A of 2010 passed by the Joint Director Consolidation of
Land, Gaya/respondent No. 3.

3. Learned counsel for the State raises preliminary
objection to the effect that an alternative remedy is available to
the petitioners. 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 petitioner 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 four weeks
from the date of receipt of this order.

6. Writ petition stands disposed of with the aforesaid
directions.

(Prabhat Kumar Singh, J)

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