

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4221 of 2012

1. BISHWA NATH RAY Son Of Chandrika Rai
2. Baidya Nath Rai Son Of Chandrika Rai
Both Resident Of Village-Rasulpur, Mahiuddin @ Madhaul, P.O., P.S. And
Anchal-Mahua, District-Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Consolidation, Bihar, Patna
3. The Deputy Director Of Consolidation, Vaishali At Hajipur
4. Ram Bilash Rai Son Of Late Ram Khelawan Rai
5. Tetari Devi Wife Of Late Nageshwar Rai
6. Umesh Rai Son Of Late Nageshwar Rai
7. Indresh Rai Son Of Late Nageshwar Rai
8. Daulat Devi Daughter Of Late Nageshwar Rai
9. Naresh Baitha,
10. Suresh Baitha Both Sons Of Bulla Baitha @ Bujhawan Baitha
11. Hiranman Baitha Son Of Late Mahabir Baitha
12. Naresh Baitha Son Of Late Kamal Baitha
13. Gonu Rai
14. Sushil Rai
15. Tuntun Rai
16. Devendra Rai All Sons Of Jamil Rai
17. Jagat Rai
18. Ladu Rai Both Sons Of Bhikha Rai
19. Anup Lal Rai
20. Punit Rai
21. Binod Rai,
Sons of Late Bansu Rai
22. Indar Rai Son Of Mahabir Rai
23. Ram Pravesh Rai
24. Pramod Rai Both Sons Of Late Bishun Rai
25. Jai Nandan Rai Son Of Late Bhagwan Rai
26. Devendra Rai Son Of Late Jagdish Rai
27. Jagdawan Rai Son Of Late Janak Rai
28. Ishrat Hussain Son Of Jannat Hussain



29. Shyamji Rai Son Of Late Ram Narayan Rai
All Residents Of Village-Rasulpur, Mahiudin Alias Madhaul, P.S. And
Anchal-Mahua, District-Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Damodar Prasad Tiwary, Adv.
For the Respondent/s : Mr. P.K. Verma, AAG 5

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-02-2023 Heard learned counsel for the parties.

The petitioners have filed the instant writ application
for the following relief(s):-

*“For issuance of an appropriate writ, order or
direction for quashing the order of the Director of
Consolidation passed in Revision Case No.273 of 2009
dated 13.06.2011 contained in (Annexure-3) by issuing
an appropriate writ or order.”*

It is submitted by learned counsel appearing for the
respondents that the petitioners have 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 hereinafore 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 granted



to the petitioners in the instant application shall continue till the first date of hearing in the tribunal.

The writ application stands disposed of.

(Partha Sarthy, J)

Saurabh/-

U			
---	--	--	--

