

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 587 of 2009

1. Motiphul Khatoon, wife of Md. Muslim, daughter of Md. Munif
2. Md. Muslim, son of Noor Mahmmd
Both residents of Village Mahabajpur @ Narkatiya, Thana: Bochaha, at
present Rathauri, P.S. No. 610, District : Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Muzaffarpur
3. The Circle Officer, Bochaha, Muzaffarpur.
4. Akhatoruzzaman, son of Late Md. Atru Nasar resident of village:
Mahabajpur @ Narkatiya, P.S.: Bochaha, District – Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur Mr. Neeraj Kumar @ Sanidh
For the Respondent/s	:	Mr. AC to GA-13

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-10-2023 Heard learned counsel for the petitioners and the
State.

2. This writ petition has been filed for quashing the
order dated 09.06.2008 passed by Collector, Muzaffarpur in
Appeal No. 10/08-09 whereby and whereunder the learned
Collector has rejected the prayer for recall of order dated
29.10.07 passed in Misc. Case No. 115/03-04, in which, learned
Collector has cancelled the *baskit parcha* of the petitioners.

3. Learned State counsel 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 (for short “Act”) 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 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 petitioners submits that liberty may be given to the petitioners to approach the Bihar Land Tribunal for proper adjudication of the matter.

5. In view of the aforesaid submission, let the petitioners 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



direction.

(Prabhat Kumar Singh, J)

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