

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21727 of 2014**

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1. Lal Muni Singh
2. Hira Singh
3. Shivji Singh
4. Vidya Shankar Singh All Sons of Late Subedar Singh All are Resident of village-Kadai P.S. -Kudra, District-Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Consolidation, Patna.
3. The Deputy Director Consolidation, Rohtas at Sasaram.
4. The Consolidation Officer, Kudra, Kaimur.
5. Harendra Pratap Singh Son of Late Uma Shankar Singh Resident of village-Kadai Shahpur, P.S.-Kudra, District-Kaimur.
6. Chinta Devi Daughter of Late Uma Shankar Singh, Wife of Satyendra Singh Resident of village- Matigaon P.O. and P.S.- Chandauli, District-Chandauli U.P.
7. Usha Devi Daughter of Late Uma Shankar Singh, Wife of Uday Shankar Singh Resident of village- Barej, P.O.-Kaudiram, P.S. Mohania, District-Kaimur.
8. Devendra Pratap Singh
9. Rudradev Pratap Singh
10. Laliteshwar Pratap Singh All Sons of Late Vijay Shankar Singh null
11. Shiv Shankar Singh
12. Gauri Shankar Singh
13. Rama Shankar Singh All Sons of Late Baijnath Singh
14. Narendra Pratap Singh Sons of Late Uday Shankar Singh All Resident of village- Kadai Shahpur P.S.-Kudra, District- Kaimur.
15. Dharmsheel Devi Daughter of Late Uday Shankar Singh, Wife of Kamlesh Singh Resident of village-Masadhi P.O.- Devhalia, P.S- Ramgarh, District-Kaimur.
16. Seema Devi Daughter of Late Uday Shankar Singh, Wife of Mithilesh Singh Resident of village -Revansa, P.O.- Matigaon, P.S.- Chandauli, District-Chandauli U.P.
17. Sushma Devi Daughter of Late Uday Shankar Singh, Wife of Shailendra Singh Resident of village- Machakhiyan P.O.- Pipariyan, P.S.- Durgawati, District- Kaimur.
18. Surendra Pratap Singh
19. Shashi Ranjan Pratap Singh Both Sons of Late Ravi Shankar Singh Both Residents of village- Kadai sahpur P.S.-Kudra, District- Kaimur.
20. Sharda Devi Daughter of Late Ravi Shankar Singh, Wife of Uma Shankar Singh Resident of village- Fulli, P.O.- Pipara, P.S.- Godra, District- Kaimur.

21. Susheela Devi Daughter of Late Ravi shankar singh, Wife of Vinay Kumar Singh Resident of village- Gaura, P.O.- Jaburna, P.S.- Ramgarh, District- Kaimur.
22. Mahatam Singh
23. Aniruddh Singh
24. Nand Kumar Singh
25. Manish Kumar Son of Late Haridwar Singh
26. Prabhawati Kuer Wife of Late Haridwar Singh
27. Sonam Kumari Daughter of Late Haridwar Singh All Residents of village- Kadai Shahpur P.S.- Kudra, District- Kaimur.

... .. Respondent/s

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with

**Civil Writ Jurisdiction Case No. 311 of 2015**

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1. Lal Muni Singh
2. Hira Singh
3. Shivji Singh
4. Vidya Shankar Singh All sons of Late Subedar Singh, Resident of Village - Kadai P.S. - Kudra, District -Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director Consolidation, Patna.
3. The Deputy Director Consolidation, Rohtas at Sasaram.
4. The Consolidation Officer, Kudra, Kaimur.
5. Harendra Pratap Singh Son of Late Uma Shankar Singh, Resident of Village -Kadai Shahpur, P.S. - Kudra District - Kaimur.
6. Chinta Devi Daughtr of Late Uma Shankar Singh, Wife of Satyendra Singh, Resident of Village -Matigaon P.O. and P.S. - Chandauli, District - Chandauli U.P.
7. Usha Devi Daughter of Late Uma Shankar Singh, Wife of Uday Shankar Singh, Resident of Village - Barej, P.O. - Kaudiram, P.S. -Mohania, District - Kaimur.
8. Devendra Pratap Singh
9. Rudradev Pratap Singh
10. Laliteshwar Pratap Singh All Sons of Late Vijay Shankar Singh null
11. Shiv Shankar Singh
12. Gauri Shankar Singh
13. Rama Shankar Singh All sons of Late Baijnath Singh
14. Daya Shankar Singh Son of Late Jag Bharat Singh

15. Narendra Pratap Singh Son of Late Uday Shankar Singh All Residents of Village - Kedai Shahpur, P.S. - Kudra District -Kaimur.
16. Dharmsheela Devi Daughter of Late Uday Shankar Singh, Wife of Kamleh Singh Resident of Village -Masadhi, P.O. - Devhalia, P.S. - Ramgarh, District -Kaimur.
17. Seema Devi Daughter of Late Uday Shankar Singh, Wife of Mithilesh Singh, Resident of Village - Revansa, P.O. - Matigaon, P.S. - Chandauli, District - Chandauli U.P.
18. Sushma Devi Daughter of Late Uday Shankar Singh, Wife of Shailendra Singh, Resident of Village - Machakhiyan, P.O. - Pipariyan, P.S. - Durgawati, District- Kaimur.
19. Surendra Pratap Singh
20. Shashi Ranjan Pratap Singh Both sons of Late Ravi Shankar Singh Both REsidents of Village - Kadai Shahpur, P.S. - Kudra, District - Kaimur.
21. Sharda Devi Daughter of Late Ravi Shankar Singh, Wife of Uma Shankar Singh, Resident of Village - Fulli, P.O. - Pipara, P.S. - Kudra, District -Kaimur.
22. Susheela Devi Daughter of Late Ravi Shankar Singh, Wife of Vinay Kumar Singh, Resident of Village - Gaura, P.O. - Jaburna, P.S. - Ramgarh, District - Kaimur.
23. Mahatam Singh,
24. Aniruddh Singh
25. Nand Kumar Singh All Sons of Late Jag Narayan Singh
26. Manish Kumar Son of Late Haridwar Singh
27. Prabhawati Kuer Wife of Late Haridwar Singh
28. Soman Kumari Daughter of Late Haridwar Singh All Residents of Village - Kadai Shahpur, P.S. - Kudra District - Kaimur.
29. Chatrubhuji Singh
30. Rambhuji Singh
31. Haribhuji Singh All Sons of Late Govardhan Singh Resident of Village -Gurura, P.S. - Kudra, District- Kaimur.

... ... Respondent/s

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**Appearance :**

(In Civil Writ Jurisdiction Case No. 21727 of 2014)

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| For the Petitioner/s | : | Ms. Sushmita Mishra, Adv.         |
| For the Respondent/s | : | Mr. Kumar Alok, SC-7              |
|                      | : | Mr. Satyeshwar Prasad, AC to SC-7 |

(In Civil Writ Jurisdiction Case No. 311 of 2015)

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|------------------------------|---|------------------------------------|
| For the Petitioner/s         | : | Ms. Sushmita Mishra, Adv.          |
| For the State/s              | : | Mr. Raghwanand, GA-11              |
|                              | : | Mr. Sanjay Kr. Tiwari, AC to GA-11 |
| For the Private Respondent/s | : | Mr. S.S. Dvivedi, Sr. Adv.         |
|                              | : | Mr. Ashutosh Kr. Pandey, Adv.      |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

4      09-08-2023      **Re:- I.A. No.1 of 2023 in C.W.J.C. No.21727 of 2014**

Learned counsel for the petitioner submits that the present interlocutory application has been filed for substitution of deceased respondent nos.11 & 12 who died during pendency of the writ petition leaving behind their heirs and legal representatives fully described in paragraph nos.3 & 4 of the I.A. petition.

2. Learned counsel for the petitioner submits that the name of respondent nos.11 & 12 may be substituted and in their place the names of their heirs and legal representative mentioned in paragraph nos.3 & 4 of the I.A. petition be added in the writ petition as well as in the cause of the present writ petition.

3. Learned counsel for the State has no objection for the same.

4. In this view of the matter, present I.A. No.1 of 2023 stands **disposed off** directing the office to substitute the names of heirs and legal representatives of respondent nos.11 & 12 mentioned in paragraph nos.3 & 4 of the I.A. petition respectively in the writ petition as well as in the cause title of the writ petition.

**Re:- I.A. No.1 of 2023 in C.W.J.C. No.311 of 2015**

5. Learned counsel for the petitioner submits that the present interlocutory application has been filed for substitution of deceased respondent nos.11, 12 & 30 who died during pendency of the writ petition leaving behind their heirs and legal representatives fully described in paragraph nos.3, 4 & 5 of the I.A. petition.

6. Learned counsel for the petitioner submits that the name of respondent nos.11, 12 & 30 may be substituted and in their place the names of their heirs and legal representative mentioned in paragraph nos.3, 4 & 5 of the I.A. petition be added in the writ petition as well as in the cause of the present writ petition.

7. Learned counsel for the State has no objection for the same.

8. In this view of the matter, present I.A. No.1 of 2023 stands **disposed off** directing the office to substitute the names of heirs and legal representatives of respondent nos. 11, 12 & 30 mentioned in paragraph nos.3, 4 & 5 of the I.A. petition respectively in the writ petition as well as in the cause title of the writ petition.

**Re:- C.W.J.C. No.21727 of 2014 & C.W.J.C. No.311 of 2015**

9. Learned counsel for the petitioner, learned counsel for the State and learned counsel for the private respondents are present.

10. After some argument, learned counsel for the petitioner seeks permission 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.”*

11. Since the present writ petition relates to The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 (Bihar Act 22 of 1956), 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

12. 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.

13. However, it is expected that the Tribunal will hear and disposed of 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 petitioner.

14. With this observation and direction, the present writ petition stands disposed off.

**(Dr. Anshuman, J.)**

prakashmani/-

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