

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8732 of 2016

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Shambhoo Singh son of Late Keshwar Singh Yadav, resident of village-
Chakaura, P.O.- Athar, P.S.- Nawanagar and District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Revenue Deptt., Patna, Bihar
2. The Joint Director, Consolidation Hqr. Bihar, Patna.
3. The Deputy Director of Consolidation, Bhojpur.
4. Deomuni Singh Yadav son of Durghon Yadav.
5. Bhikhan Singh Yadav, son of Devarjeet Yadav,
Both residents of village - Chakaura, P.O- Athar, P.S- Nawanagar and
District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Abu Shajar
For the Respondent/s : Mr. SC-12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-02-2024 Heard learned counsel for the parties.

2. This writ application has been filed for quashing
order dated 25.09.2000 passed by Respondent no. 2 / Joint
Director, Consolidation in Cons. Revision Case No. 2404/86.

3. At the outset, learned counsel for the State raises
preliminary objection regarding maintainability of the case to
the effect that an alternative remedy is available to the
petitioner. He submits that during pendency of the writ petition,
Bihar Land Tribunal has become functional and in view of
proviso to Section 15 of the Bihar Land Tribunal Act, 2009, this
matter can well be adjudicated by the Bihar Land Tribunal.
Section 15 of the Bihar Land Tribunal Act, 2009 reads as
follows:



“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. 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 six weeks from the date of receipt of this order.

6. It goes without saying that if any question of limitation arises before the competent authority, the same shall be considered taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

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

(Prabhat Kumar Singh, J)

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