

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19362 of 2015

- 1.1. Harish Chandra Giri Son of Late Sardar Giri, Resident of Village - Bihjadi, P.O. - Sahdai Buzurg, P.S. - Desari (O.P. Sahdai Buzurg), District - Vaishali at Hajipur.
- 1.2. Shail Devi, (Widow of Deo Chandra Giri) Resident of Village - Bihjadi, P.O. - Sahdai Buzurg, P.S. Desari (O.P. Sahdai Buzurg), District - Vaishali at Hajipur.
- 1.3. Prem Chandra Giri, Son of Late Sardar Giri, Resident of Village - Bihjadi, P.O. - Sahdai Buzurg, P.S. Desari (O.P. Sahdai Buzurg), District - Vaishali at Hajipur.
- 1.4. Krishn Chandra Giri, Son of Late Sardar Giri, Resident of Village - Bihjadi, P.O. - Sahdai Buzurg, P.S. Desari (O.P. Sahdai Buzurg), District - Vaishali at Hajipur.
- 1.5. Mundirka Giri, Son of Late Sardar Giri, Resident of Village - Bihjadi, P.O. - Sahdai Buzurg, P.S. Desari (O.P. Sahdai Buzurg), District - Vaishali at Hajipur.
- 1.6. Chandrika Giri, Son of Late Sardar Giri, Resident of Village - Bihjadi, P.O. - Sahdai Buzurg, P.S. Desari (O.P. Sahdai Buzurg), District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Divisional Commissioner, Tribut Division, Muzaffarpur.
3. The District Magistrate ,Vaishali , Hajipur.
4. The Deputy Collector, Land Reforms Mahnar, District Vaishali at Hajipur.
5. The Anchal Adhikari ,Sahdai Buzurg, District Vaishali at Hajipur.
6. Ramadhar Giri Son of late Bindeshwari Giri Resident of Village- Bhijadi, P.s Desari, Po Sahdai Buzurg District Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Md. Aslam Ansari, Advocate Mr. Subhash Patel, Advocate
For the Respondent/s	:	Mr. Gp27 Mr. Lakshmi Kant Tiwary, Advocate Mr. Naresh Chandra Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

8 01-02-2024

I. A. No. 03 of 2024

This interlocutory application i.e., I.A. No. 3 of 2024



has been filed for substitution of private respondent No. 6 who died on 28.11.2023 during the pendency of this case, leaving behind his legal heirs/representatives, mentioned in paragraph 1 of the interlocutory application as:

- “1. Sitas Devi
2. Lalit Giri
3. Bihari Giri
4. Abhishek Giri @ Rajdhani”

2. Considering the averments made in the I. A. No. 3 of 2024, the same is allowed and name of the present respondent No. 6 is substituted with his legal heirs/representatives, as mentioned above, as private respondents in CWJC No. 19362 of 2015.

CWJC No. 19362 of 2015

3. Heard learned counsel for the parties.

4. This writ application has been filed for quashing the notice contained in Memo No. 950 dated 26.11.2015 issued under the signature of Respondent No. 5 and order dated 22.09.2015 passed by the Respondent No. 2 in B.L.D.R Appeal Case No. 392/2012.

5. Learned counsel for the State raises preliminary objection regarding maintainability of the case to the effect that an alternative statutory 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.

6. Learned counsel for the petitioners does not dispute the above proposition and requests for disposal of the writ application granting liberty to the petitioners to approach the Bihar Land Tribunal for proper adjudication of the matter.

7. 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.

8. 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 petitioners were pursuing the issue before this Court under Article 226 of the Constitution of India.

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

(Prabhat Kumar Singh, J)

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