

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9339 of 2023

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Nagesh Prasad Mahto @ Nageshwar Prasad Mahto Son of Late Ram Naresh Mahto @ Ram Naresh Prasad @ Ram Naresh Prasad Mahto @ Naresh Mahto Resident of Village- Bairiya Sapahi, Post- Nimej, P.S.- Brahampur, District- Buxar (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Buxar, District- Buxar.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-cum- Collector, District- Buxar.
4. The Additional Collector, Buxar, District- Buxar.
5. The Deputy Collector Land Reforms, Dumraon Sub Division, District- Buxar.
6. The Block Development Officer, Brahampur Block, District- Buxar.
7. The Circle Officer, Brahampur Block (Circle), District- Buxar.
8. Mr. Pramatta Yadav, Son of Late Surajnath Yadav Resident of Village- Gangauli, P.S. Simri, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas, Advocate
For the Respondent/s	:	Mr. Raj Kishore Roy, GP 18

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 02-01-2024 Heard learned counsel for the parties.

2. This writ application has been filed for quashing the order dated 29.06.2015 passed by the Deputy Collector Land Reforms, Dumraon Sub Division, District- Buxar (Respondent No. 5) in Mutation Appeal Case No. 88/14-15 and for quashing order dated 20.06.2022 passed by the District Magistrate-cum-Collector, District- Buxar (Respondent No. 3) in Mutation Revision Case No. 88 of 2015.



3. 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 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.

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 four 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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