

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10670 of 2014

Deoki Devi Bajaj Wife of Late Om Prakash Bajaj, Resident of Flat No. 505,
Puspanjali Venkatesh Apartment, Budh Marg, Patna, P.S.- Kotwali, District-
Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Divisional Commissioner, Patna Division, Patna
3. District Magistrate, Patna
4. Sub-Divisional Magistrate, Danapur, Patna
5. Deputy Collector, Land Reforms, Danapur, District- Patna
6. Station House Officer, Rupaspur, P.S.- Danapur, District- Patna
8. Nagendra Rai, Son of name not known, Resident of Vaishanavi Path, Gola
Road, Danapur, P.S.- Rupaspur, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For the Respondent/s : Mr. Gal2- Ajay

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 11-01-2024

I. A. No. 01 of 2021

This interlocutory application i.e., I.A. No. 1 of 2021
has been filed for substitution of sole petitioner who died on
07.05.2021 during the pendency of this case, leaving behind his
legal heirs/representatives, mentioned in paragraph 2 of the
interlocutory application as:

- “1. Sanjeev Kumar Bajaj
2. Rajnesh Bajaj
3. Ashish Bajaj”

2. Considering the averments made in the I. A. No. 1
of 2021, the same is allowed and name of the present sole
petitioner is substituted with his legal heirs/representatives, as



mentioned above, as petitioners in CWJC No. 10670 of 2014.

CWJC No. 10670 of 2014

3. Heard learned counsel for the parties.

4. This writ application has been filed for quashing order dated 18.02.2014/24.02.2014 passed by learned Divisional Commissioner, Patna (Respondent No. 2) in Dispute Appeal No. 686 of 2013 affirming the order dated 04.04.2013 passed by the D.C.L.R., Danapur (Respondent No. 5).

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