

Civil Writ Jurisdiction Case No.8304 of 2018

1. Mahendra Prasad Yadav
2. Rajendra Gope alias Rajendra Prasad Yadav Both sons of Late Ramu Gope Both residents of village - Begampur, P.O. - Begampur, P.S. - Bypass, Dist - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Bihar, Patna.
2. The Commissioner, Patna.
3. The Collector, Patna.
4. The Additional Collector, Patna.
5. The Settlement Officer, Patna.
6. Dinesh Mahto
7. Mahendra Mahto
8. Arun Mahto All respondent no. 6 to 8 are sons of Late Chhote Lal Mahto All respondent no. 6 to 8 are permanent resident of village - Chainpura, P.O. - Begampur, P.S. - Bi Pass, Dist - Patna, At present resident of Mohalla - Sarai, Gola Ghat, Chavni Kothi, Sonbarsa Lane, P.S. - Tatarpur, Dist - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Advocate
For the State : Mr. Manoj Kumar Sinha (AC to SC-19)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

7 04-02-2025 Heard Learned Counsel for the petitioners and
Learned Counsel for the State.

2. The present writ petition has been filed for the following relief/s:-

“I. For quashing the order dated 21.11.2017 passed by the Commissioner, Patna (Respondent no.2) in Settlement



Revision Case No.67 of 2002 filed by the petitioners whereby and where under the Commissioner, Patna while discharging the quasi judicial power has declined to interfere the order dated 18.02.2002 passed by the Asstt. Settlement Officer, Patna in Revision Case No.25 of 2001 filed by father of private respondent nos.6 to 8 which was allowed in part along with one Settlement Revision Case No.29 of 2001 on the basis that the revision being not maintainable before the respondent no.2 having no jurisdiction.

II. For quashing the order dated 18.02.2002 passed by the Asstt. Settlement Officer, Patna in Settlement Revision Case No.25 of 2001.”

3. Learned Counsel for the State raised preliminary objection and submits that against the settlement revision, petitioners have liberty to move before the Bihar Land Tribunal Act, 2009 (Bihar Act 9, 2009).

4. In response thereof, Learned Counsel for the petitioners submits that this settlement revision has been started in the year 2002, but it was dismissed for default. Subsequently, restoration has been filed and only due to this reason, this



settlement revision was decided in the year 2017. But actually, the cause of action for settlement revision has arisen prior to the Bihar Land Tribunal Act, 2009 (Bihar Act 9, 2009).

5. In the light of the submissions made by the parties, it transpires to this Court that the final order in the Settlement Revision No.67 of 2002 has been passed on 21.11.2017, meaning thereby, the cause of action for filing the Bihar land Tribunal has arisen only when the Bihar Land Tribunal Act, 2009 (Bihar Act 9, 2009) has been enacted.

6. In this view of the matter, this writ petition stands disposed off granting liberty to the petitioners to avail the remedy under the Bihar Land Tribunal Act, 2009 (Bihar Act 9, 2009) within 45 days from the date of production of the order. Bihar Land Tribunal shall decide this case within 90 days from the date of completion of appearance of the parties.

(Dr. Anshuman, J)

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