

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7591 of 2026

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1. Babita Devi Wife of Ashok Kumar alias Ashok Mahto Resident of Village- Hemjapur, Post Office- Shivkund, Police Station- Dharhara, District- Munger.
 2. Ranjana Devi alias Ranjana Kumari, Wife of Pradeep Mahto alias Pradip Kumar Resident of Village- Hemjapur, Post Office- Shivkund, Police Station- Dharhara, District- Munger.
 3. Pinku Devi alias Sarita Kumari, Wife of Pankaj Mahto alias Pankaj Kumar Resident of Village- Hemjapur, Post Office- Shivkund, Police Station- Dharhara, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Munger.
2. The Additional Collector, Munger.
3. The Deputy Collector Land Reforms, Sadar, Munger.
4. The Anchal Adhikari, Dharhara, District- Munger.
5. Napali Mahto, Son of Late Biro Mahto, Resident of Village- Hemjapur, Post Office- Shivkund, Police Station- Dharhara, District- Munger.
6. Mostt. Sundari Devi, Wife of Late Fekan Mahto, Resident of Village- Hemjapur, Post Office- Shivkund, Police Station- Dharhara, District- Munger

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate
For the Respondent/s : Mr. Additional Advocate General (13)

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

2 23-06-2026 Heard learned counsel for the parties.

2. The petitioner instead of approaching the statutory body i.e. the Bihar Land Tribunal, directly approached this Hon'ble Court for the reliefs as prayed for in paragraph no. 1 of the writ petition:-

*“(i) To give order/orders, direction/
directions commanding the*



respondents especially Respondent No. 05, namely Napali Mahto to not disturb the possession of the petitioners by issuing a writ in the nature of Mandamus.

(ii) To give order/orders, direction/ directions commanding the respondents to not dispossess the possession of the petitioners who have been coming in peaceful possession of the land in question after purchasing the land in question and Respondent No. has lost his Mutation Case before the Deputy Collector Land Reforms, Munger and wants to take possession by forcibly by issuing a writ in the nature of Mandamus.

(iii) To issue any other writ, order or direction in which petitioners are entitled to get their relief/reliefs under the facts and circumstances of the case.”

3. At this stage, learned counsel for the State raises preliminary objection to the effect that statutory 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*”.



4. 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.

5. Section 9 of the Bihar Land Tribunal Act, 2009 delineate the power of the Bihar Land Tribunal to entertain applications related to the Acts as mentioned hereunder:-

“(i) The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961

(ii) The Bihar Land Reforms Act, 1950

(iii) The Bihar Tenancy Act, 1885

(iv) The Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956

(v) [xxx]

(vi) The Bihar Bhoodan Yagna Act, 1954

(vii) The Bihar Privileged Persons Homestead Tenancy Act, 1947



(viii) The Bihar Government Estates Manual, 1953

(ix) The Bihar Settlement Manual

2[(x) Bihar Land Disputes Resolution Act, 2009

(xi) Bihar Special Survey and Settlement Act, 2011

(xii) Bihar Land Mutation Act, 2011”

Further Section 9(2) of the Act (supra) says :-

“ (2) In addition, the Tribunal shall decide any case transferred to it by the Government of Bihar or by the Hon’ble High Court of Judicature at Patna with regard to any other revenue or land reforms Law/Manual for the time being in force.”

6. In this backdrop learned counsel for the petitioner prays for disposal of the writ application granting liberty to the petitioner to approach the Bihar Land Tribunal for proper adjudication of the matter.

7. In view of the aforesaid submission, let the petitioner file a fresh 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.

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 petitioner was pursuing the issue before this Court under Article



226 of the Constitution of India.

9. Thus the writ petition stands disposed of in the
aforesaid terms.

(Rana Vikram Singh, J)

Supratim/Smriti-

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