

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7619 of 2026

1. Vijay Kumar Yadav @ Vijay Kumar Ghosh Son of Late Dhula Yadav @ Late Dhula Ghosh, Resident of Village- Charakpara, P.O. Runki, P.S. Rauta, District- Purnea (Bihar) PIN Code 855107.
2. Bharti Devi, Daughter of Late Dhula Yadav @ Late Dhula Ghosh, Resident of Village- Charakpara, P.O. Runki, P.S. Rauta, District- Purnea (Bihar) PIN Code 855107.
3. Babul Yadav @ Babul Kumar Ghosh, Son of Late Dhannu Lal Yadav, Resident of Village- Charakpara, P.O. Runki, P.S. Rauta, District- Purnea (Bihar) PIN Code 855107.
4. Surya Kumar Yadav@Surya Kumar Ghosh, Son of Late Dhannu Lal Yadav, Resident of Village- Charakpara, P.O. Runki, P.S. Rauta, District- Purnea (Bihar) PIN Code 855107.
5. Ram Lal Yadav, Son of Mannu Lal Yadav, Resident of Village- Charakpara, P.O. Runki, P.S. Rauta, District- Purnea (Bihar) PIN Code 855107.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Additional Chief Secretary-cum-Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Old Secretariat, Patna.
3. The Commissioner, Purnea Division, Purnea.
4. The District Collector-cum-the District Magistrate, Purnea.
5. The Additional District Collector, Purnea.
6. The Deputy Collector, Land Reforms Amour, Purnea.
7. The Circle Officer, Amaur, Purnea.
8. Nibhash Gupta, S/o Ram Narayan Gupta, Resident of Village and P.O. Rangamati, P.S.- Amaur, District- Purnea.
9. Subhash Gupta, S/o Ram Narayan Gupta, Resident of Village and P.O. Rangamati, P.S.- Amaur, District- Purnea.
10. Prabhash Gupta, S/o Ram Narayan Gupta, Resident of Village and P.O. Rangamati, P.S.- Amaur, District- Purnea.
11. Md. Akbar, S/o Sheikh Attaurrahman, Resident of Village- Chauka Talbari, P.O.- Rangamati, P.S. Amaur, District- Purnea.
12. Sheikh Attaur Rahman, S/o Tabak Ali, Resident of Village- Chauka Talbari, P.O.- Rangamati, P.S. Amaur, District- Purnea.
13. Md. Atwari, S/o Sheikh Musibat, Resident of Village- Chauka Talbari, P.O.- Rangamati, P.S. Amaur, District- Purnea.
14. Md. Hasim, S/o Sheikh Musibat, Resident of Village- Chauka Talbari, P.O.- Rangamati, P.S. Amaur, District- Purnea.
15. Md. Kasim, S/o Sheikh Musibat, Resident of Village- Chauka Talbari, P.O.- Rangamati, P.S. Amaur, District- Purnea.



16. Md. Ibrahim, S/o Abdul Gaffar, Resident of Village- Chauka Talbari, P.O.- Rangamati, P.S. Amaur, District- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish, Advocate
For the Respondent/s : Dr. Md. Raisul Haque, S.C.-10

CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL ORDER

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

2. The petitioners 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:-

“(a) For issuance of writ in the nature of mandamus directing / commanding the concern respondents to take necessary and lawful action upon the representations dated 02.03.2026 filed by the petitioners (as contained in Annexure - P/ 5series).

(b) For further directing to the concern respondent, to create Jamabandi in the name of the petitioners with respect to the disputed plots which has been wrongly run in the name of respondents and their father also.

(c) For the writ petitioners also pray before this Hon'ble Court to issue appropriate writ or writs order or orders, direction or directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.”

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

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 petitioners prays 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 a fresh application before the Bihar Land Tribunal for adjudication of the matter, within a period of three 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. Thus the writ petition stands disposed of in the
aforesaid terms.

(Rana Vikram Singh, J)

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