

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9900 of 2026

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Dhruwa Prasad alias Dhruwa Prasad Sahu S/o Late Sangam Lal Sah,
Residents of Village- Sarisab Pahi (West), Ward No. 11, Police Staton-
Pandaul, District- Madhubani, Pin- 847424.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The Collector, Madhubani.
4. The Anchal Adhikari, Pandaul, Police Station- Pandaul, District- Madhubani.
5. Ramo Devi, W/o Batohi Rai, Resident of Village- Sarisab Pahi, Police Station- Pandaul, District- Madhubani, Pin Code- 847424.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Respondent/s : Mr. Md. Zeeshan Kalim, AC to SC 20

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CORAM: HONOURABLE MR. JUSTICE RANA VIKRAM SINGH
ORAL JUDGMENT

Date : 08-07-2026

Heard learned counsel for the parties.

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

“ A. Certiorary for setting - aside the Order dated 25.07.2025 (Annexure - 8) passed by the Commissioner, Darbhanga Division, Darbhanga (Respondent No. 2) whereby Miscellaneous (Basgit Parcha) Appeal Case No. 10/2024 filed by the Petitioner has been rejected on the ground of Jurisdiction.

B. Certiorary for setting - aside the



Order dated 12.02.2024 (Annexure) passed by the Collector, Madhubani (Respondent No. 3) whereby Basgit Parcha Appeal No. 280/2018-19 filed by the Petitioner has been rejected and thereby illegal Order dated 31.12.2013 (Annexure-6) passed by the Anchal Adhikari, Pandaul (Respondent No. 4) in Basgit Parcha Case No. 07/2012-13 has been affirmed.

C. Mandamus Commanding the respondents not to disturb the petitioner over his peaceful possession over the lands in question. D. Any other relief or reliefs for which petitioner may be found entitled to in the facts and circumstances of the case may be granted to him.”

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 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 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.

10. All pending interlocutory application(s), if any, stand/s disposed off

(Rana Vikram Singh, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

