IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9783 of 2019
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Gagandeo Ram Son of Late Sukhal Ram R/o Village-Sundarpur, P.S.-Kesariya, District-East Champaran

... ... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna
2. The Commissioner Tirhut Division, Muzaffarpur
3. The District Magistrate cum Collector East Champaran at Motihari
4. The Additional Collector East Champaran at Motihari
5. The Dy. Collector East Champaran at Motihari
6. The Circle Officer Kesariya District-East Champaran at Motihari
7. Tetari Devi Wife of Lal Babu Ram R/o Village-Sundarpur, P.O. and P.S.-Kesariya, District-East Champaran

... ... Respondent/s

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Appearance :
For the Petitioner/s   :   Mr. Dhurendra Kumar, Advocate
For the Respondent/s   :   Mr. Subash Chandra Yadav (GP-15)
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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3   31-07-2025   Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for the following reliefs:-

(i) For quashing the order dated 29.10.2018 passed by the Collector, East Champaran, Motihari in Misc. Case No. 71 of 2016 whereby the Registered Sale Deed No. 6799, dated 30.10.1985 and Sale Deed No. 3386 dated 15.05.1986 with respect to 46 Dec. Land of Khata No. 57, Khesra No.

2854, Mauza Sundarpur, Anchal & P.S. Kesariya, District - East Champaran, Motihari, executed by Bhola Ram @ Bhola Mehra in favour of the petitioner has been cancelled.

(ii) For quashing the Notice dated 26.11.2018 as well as Jamabandi Cancellation Case No. 75 of 2015-16 which has been initiated for cancellation of Jamabandi created in favour of the petitioner with respect to said land.

(iii) And for any other relief (s) for which the petitioners are found to be entitled in the facts and circumstance of the case.

3. Learned counsel for the State raised a preliminary objection and submits that the Bihar Land Tribunal was constituted in the year 2009, and under Section 9 of the relevant Act, it is provided that where a statutory remedy is lapsed under those statutes, the remedy shall lie before the Bihar Land Tribunal, which states as follows:—

9. Powers of the Tribunal.-(1) The Tribunal shall have the power to entertain any application against the final order passed by the Appropriate Authorities under the Acts/Manuals, mentioned below, within 90 days of such an order provided no other forum of appeal or revision against the order

passed is provided in that Act/ Manuals:

(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

It shall be open to the State Government to add or remove any Law/Manual in or from the list hereinfore mentioned.

(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.

(3) The Tribunal shall have powers vested in the Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) including the power to recommend to punish for Contempt of Court.

4. In light of the specific provisions under the Bihar Land Tribunal Act, the writ petition stands disposed off, granting liberty to the petitioner to avail the remedy by filing an application before the Bihar Land Tribunal.

5. It is made clear that any delay in filing the application before the Bihar Land Tribunal is hereby directed to be condoned.

(Dr. Anshuman, J.)

Aman Kumar/-

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