

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.565 of 2019

1. Ainamul Haque @ Md. Ainamul Son of Jarjis,
2. Md. Jarjis @ Jarjis, Son of Late Mofiluddin.
3. Md. Mabud Baksh @ Mabud Bakhsh, Son of Late Abdul Hamid.
4. Abdul Kadir, Son of Late Abdul Hamid.
5. Habibur Rahman, Son of Late Abdul Hamid.
6. Fazlur Rahman, Son of Late Abdul Hamid.
7. Raja Choudhury, Son of Safiul Alam,
8. Shaukat @ Shaukat Ali, Son of Haidar Ali.
9. Anwar Alam, Son of Haji Tafiluddin.
10. Md. Abdul Kalam @ Md. Kalam, Son of Sahikh Rafiuddin.
11. Md. Ebrahim, Son of Sahikh Rafiuddin.
12. Md. Hasain, Son of Sahikh Rafiuddin.
13. Md. Maqдум, Son of Sahikh Rafiuddin.
14. Abdul Matlaib, Son of Shaikh Sultan Ali.
15. Md. Kausar @ Kausar Alam, Son of Hajunur Mahmad.
16. Md. Kalam @ Md. Kamal, Son of Late Md. Danesh.
17. Neel Kanth Shah, Son of Vishwanath Shah.
18. Safiqul Haque @ Safiqul, Son of Emarat.
19. Jahir, Son of Shaikhraful Mahmmad.
20. Md. Yunus, Son of Shaikhraful Mahmmad.
21. Namiruddin, Son of Jiaruddin.
22. Noor Islam, Son of Jiaruddin.
23. Md. Latifur Rahman, Son of Jiaruddin.
24. Md. Alam, Son of Jiaruddin.
25. Nursad Alam, Son of Jiaruddin.
26. Dukho Jaan, W/o Abdul Kuddush.
27. Prakash Chandra Das, Son of Ganesh Chandra Das.
28. Vikash Chandra Das, Son of Ganesh Chandra Das.
29. Prabhash Chandra Das, Son of Ganesh Chandra Das.
30. Sultan, Son of Imarat Hussain.
31. Md. Isberu, Son of Imaruddin.
32. Mohan Nunia @ Mohan Prasad Nunia, Son of Raghu Prasad Nunia.
33. Ganga Nunia @ Ganga Prasad Nunia, Son of Raghu Prasad Nunia.
34. Jamshed Ali, Son of Sujauddin
35. Md. Abdus Salam, Son of Sujauddin
36. Md. Belal, Son of Sujauddin
37. Mahboob Alam, Son of Sujauddin
38. Mannan, Son of Sujauddin
39. Tazmul Hassin, Son of Ainuddin
40. Taimur Rahman, Son of Ainuddin



41. Shabiddin, Son of Ainuddin
42. Shakeel Ahmad, Son of Md. Tufail Ahmed,
43. Md. Mansur Alam @ Manwar, Son of Majahidul,
44. Md. Aajam @ Aazam, Son of Majahidul,
45. Minajul, Son of Majahidul,
46. Imtiyaz, Son of Majahidul,
47. Mujahidul, Son of Late Badiruddin.
48. Majifur, Son of Late Badiruddin. All resident of Village Abadpur, Barsoi, District- Katihar.

... .. Petitioner/s

Versus

1. Union Of India through the Secretary, Ministry of Home Affairs, Government of India, New Delhi
2. The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Collector, Katihar.
4. The Deputy Custodian of Enemy Property, C/o the Collector, Sant Colony, Mirchaibari, District- Katihar.
5. The Anchal Adhikari, Barsoi, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Ray Saurabh Nath
For the Respondent/s :	Ms. P. Sharma, AC to SC-25
For Union of India :	Mrs. Kanak Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 15-02-2019 Objection taken by the Registry of filing multiple Court fees is overruled, in view of the nature of challenge made in the present writ application.

2. Petitioners have put to challenge one notice dated 12.10.2018 involving common issues.

3. Learned counsel appearing on behalf of the petitioners has submitted that the petitioners are purchasers of



land from one Abdul Jabbar, who has in course of time migrated to Bangladesh (erstwhile East Pakistan) in the year 1968/69. The properties which the petitioners have, thus, purchased are being treated to be 'Enemy Property' under the Enemy Property Act, 1968 (hereinafter referred to as 'the Act'), while issuing the notice dated 12.10.2018, which is impugned in the present application. It is the contention on behalf of the petitioners that the notice is beyond jurisdiction and, therefore, requires interference by this Court. It has also been argued that though the petitioners have filed their replies to the said notice, no decision has yet been taken.

4. Learned counsel appearing on behalf of the State of Bihar has, on the other hand, referred to Section 6 of the Act to contend that the notice is within jurisdiction and the petitioners instead of approaching this Court under Article 226 of the Constitution of India ought to have replied to the notice.

5. She has also argued that the notice was issued in October, 2018 and there is no allegation in the writ petition of forcible dispossession of any person. She contends that any action shall be taken only after considering the replies, if any, of the noticees, who have been asked to produce documents through the impugned notice dated 26.10.2018.



6. Considering the facts and circumstances of this case, this application is disposed of with the observation that the competent authority shall proceed in accordance with law after receiving response(s) from the noticees of the notice dated 12.10.2018. It appears from the said notice that the noticees were required to file their replies by 26.10.2018. However, by way of indulgence, it is observed that if the petitioners file their replies to the said notice within one week from today, if not already filed, the authorities shall consider the same and proceed accordingly.

7. This application stands disposed of.

8. It goes without saying that the petitioners shall be at liberty to approach appropriate forum, if any adverse action or decision is taken against them.

(Chakradhari Sharan Singh, J)

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