

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2688 of 2023

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Sarwari Begum Wife of Haidar Ali, Resident of Muhalla- Khodanagar, Ward
No-14, P.S. Chatauni, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Dept. of Revenue and Land Reforms, Govt. of Bihar
3. The Bihar State Sunni Waqf Board, through it Chief Executive Officer, Patna
4. The Chairman, Bihar State Sunni Waqf Board Patna
5. The Chief Executive Officer, Bihar State Sunni Waqf Board Patna
6. The District Magistrate, East Champaran
7. The Additional District Magistrate(Revenue) East Champaran
8. The Circle Officer, Motihari, District East Champaran.
9. The Mutawalli, Noor Mohammad Waqf Estate, Bariyarpur, Motihari, P.S- Chauradano, District- East Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Advocate

For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 12-07-2023 Learned counsel for the petitioner, learned counsel for the Bihar State Sunni Waqf Board and learned counsel for the State are present.

2. The present writ petition has been filed for setting aside the Notice dated 08.08.2022 issued by the Additional Collector, East Champaran at Motihari, whereby the petitioner was asked to appear in the Jamabandi Cancellation Case No. 95

of 2022 and file show cause as why not jamabandi running her name is cancelled.

3. Learned counsel for the petitioner submits that there is already documents relating to title by a court of competent jurisdiction i.e. civil court relating to the property in question are in her favour. Therefore, the issuance of this notice is only for the purpose of harassing. He further submits that petitioner has already filed a show cause.

4. Learned counsel for the State and learned counsel for the Bihar State Sunni Waqf Board are present and they have submitted that issuance of notice for Jamabandi Cancellation Case No. 95 of 2022 is the result of filing application by some one and the notice has been issued completely in accordance with Section 9 of the Bihar Land Mutation Act, 2011. They further submit that by virtue of this notice only reply has been directed to be filed and issuance of notice shall not effect the right of the petitioner in any view of the matter.

5. In this background that issuance of notice is made available in accordance with law and it is not in violation of any law and this notice is not conclusive, therefore, this court is not inclined to interfere in this matter.

6. The Additional Collector, East Champaran at

Motihari is directed to take steps in accordance with law in this matter.

7. With the aforesaid direction, the present writ petition is disposed off.

(Dr. Anshuman, J.)

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