

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17782 of 2017

Nasim Alam and Ors.

... .. Petitioner/s

Versus

The State Of Bihar and Ors.

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Md. Khurshid Alam - Aag12

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-04-2024 On call, no one appears on behalf of the petitioner though, Mrs. Nutan Sahay, learned AC to AAG-12 is present.

2. The Petition is directed for the issuance of appropriate writ/direction in the nature of

(I) Certiorari:- For setting aside of notice as contained in Letter No 4167 dated 07.11.2017 issued under the signature of Circle officer Baysi directing Anchal Amin to measure the land on 20.11.2017 (now on 25.11.2017) in case No23/2017-18 on instance of Mugesh Nasir appertaining to Khata No.50 Khesra No 105,106,107 and 108 situated in Mauze Ghosh.

(II) An appropriate direction be issued directing the Respondents to receive rent and



issue receipt in token forthwith for lands in Zamabandi no 406..

(III) Any other appropriate writ or direction be issued which may be applicable in the facts and circumstances of the case.

3. A counter affidavit on behalf of respondent Nos. 1 – 5 duly signed by the Circle Officer, Baisi (Purnea) is on record and paragraph 5 read as follows:-

5. That the land, in question originally belonged to Hasibur Rahman son of Khalil against whom a land ceiling proceeding was initiated. The land in question was subject matter of that land ceiling proceeding and was finally acquired by the State vide notification No. 150 dated 26/04/1976 published Under Section 15 (1) of the Bihar Land Reforms (Fixation Ceiling Area and Acquisition Surplus Land) Act of of hereinafter referred to the as the 'Act' for the sake of convenience and brevity. After acquisition of the land in question the same was settled to Sk. Sakaru. However against



the acquisition notification No.150 dated 26/04/1976 the 'Hasibur Rahman land holder approached Md. Hon'ble High Court Patna and filed C.W.J.C. No. 1584 of 1989 and this Hon'ble High Court by its order disposed of the same whereby allowed the case in favour of the petitioner-land holder and set aside the notification No. 150 dated 26/04/1976 as well as annulled the consequential purchase/red cards issued in favour of the settlees.

4. This copy of the counter affidavit was filed in the year 2018 after service of copy to the learned counsel for the petitioner on 20.07.2018 and there is no rebuttal to the said statement.

5. This case is even otherwise fit to be dismissed but as there is no one on call, the same stands dismissed for non-prosecution.

(Rajiv Roy, J)

Guddu/-

U			
---	--	--	--

