

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.729 of 2021

1. Md. Mohsin @ Md. Mohsim Son of Late Sk. Maniruddin Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.
2. Md. Sakur S/o Late Rustam Ali Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.
- 3.1. Mostt. Anwari Khatoon , Wife of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.2. Mahboob Alam, Son of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.3. Mashfik Alam, Son of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.4. Atawoor Rahman, Son of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.5. Tanvir Alam, Son of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.6. Qumruzzma Son of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.7. Ashiya Bibi, D/o late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.8. Sakina Khatoon, D/o of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.9. Rukhsana Khaton, D/o of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
- 3.10. Durukhsana Khatoon, D/o of late Abdul Khalik, Resident of Village- Ratni, P.S. Kadwa, District- Katihar.
4. Jiaur Rahman S/o Late Noor Islam Resident of Village- Ratni, P.S.- Kadwa, P.O.- Parbheli, District- Katihar.
5. Kosimuddin S/o Late Sabir Ali Resident of Village- Ratni, P.S.- Kadwa, P.O.- Parbheli, District- Katihar.
6. Bibi Shamanur Khatoon @ Shamanur W/o Jamsed Alam Resident of Village- Ratni, P.S.- Kadwa, P.O.- Parbheli, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. The Collector District- Katihar.
4. The Additional Collector (L.C.) District- Katihar.
5. The Deputy Collector Land Reforms, Barsoi, District- Katihar.
6. The Anchal Adhikari Kadwa, District- Katihar.
7. Mostt. Dulo Devi Wife of Late Naresh Ram Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.
8. Sudam Ram Son of Late Naresh Ram Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.



9. Chhattu Ram Son of Late Naresh Ram Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.
10. Janki Devi D/o Late Naresh Ram Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.
11. Bobi Devi D/o Late Naresh Ram Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.
12. Mostt. Chuniya Devi Wife of Late Indradeo Ram Resident of Village- Dhuriya, P.S.- Kadwa, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baranwal, Advocate
For the Respondent/s : Mr. AG
For Resp. Nos. 7 to 12 : Mr. P.C. Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 12-08-2024 Heard learned counsel for the petitioners, learned

counsel appearing on behalf of Respondent Nos. 7 to 12 as well

as learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the

following reliefs:-

i. For quashing the order dated 11.04.2019 passed by the Additional Collector (Land Ceiling) Katihar (Respondent No. 4) in Misc. Land Ceiling Case No. 02/2017-18, by which the above noted case filed by the petitioners has been rejected.

ii. For also to set aside the Red cards issued in the name of Naresh Ram and Indradeo Ram related to the part of the land in question, holding the same to be wholly illegal, bad and without jurisdiction.

iii. For also holding that the lands in question do not stand acquired U/S 15(1) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Lands) Act, under the Gazette Notification bearing No. 466/Ra. Dated 31.12.1986 and published on 01.01.1987 in Katihar District Gazette.

iv. For also directing the



respondent authorities to release the lands in question from the above acquisition U/S 15(1) of the Ceiling Act, vide Gazette Notification No. 466/Ra. Dated 31.12.1986.

v. For any other relief of reliefs for which the petitioners may be found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioners fairly submits that the present writ petition may be dispose of with direction to the petitioners to approach before the Respondent No. 3 i.e. Collector, Katihar in terms of Section 5(1)(iii) of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Lands) Act within a period of four weeks' from the date of production/receipt of copy of this order.

4. If the petitioners comply the aforesaid order within the said given period of time, then the Respondent No. 3 is directed to make a fresh enquiry under Section 5 (1)(iii) of the said Act and dispose of the application of the petitioners by submitting his report within a period of six months after hearing all the concerned parties in accordance with law.

5. With the aforesaid direction, the writ petition stands disposed of.

(Rajesh Kumar Verma, J)

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