

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17259 of 2023

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1. Md. Kurhan Son of Late Vajiuddin @ Shekh Wazid Ali, Resident of Village-Mirkaha, P.O and P.S.- Manashi, District- Katihari.
 2. Md. Jamil, Son of Late Vajiuddin @ Shekh Wazid Ali, Resident of Village-Mirkaha, P.O and P.S.- Manashi, District- Katihari.
 3. Jarina Khatun, Daughter of Late Vajiuddin @ Shekh Wazid Ali and Wife of Late Samser, Resident of Village- Mirkaha, P.O and P.S.- Manashi, District- Katihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. District Magistrate-cum-Collector, District- Katihar.
4. Additional Collector (Revenue), District- Katihar.
5. Circle Officer, Mansahi, District- Katihar.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18107 of 2023

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1. Anvari Khatun Wife of Late Belal Hussain, Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.
 2. Abdul Mannan, son of Late Siddik Mandal, Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.
 3. Nur Islam, son of Late Siddik Mandal, Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.
 4. Noorul Haque, son of Late Siddik Mandal, Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. District Magistrate-cum-Collector, District-Katihar.
4. Additional Collector (Revenue), Katihar, District-Katihar.
5. Circle Officer, Mansahi, District-Katihar.



... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18197 of 2023

1. Iliyas Son of Late Mohiuddin @ Mohiuddin Ali, Resident of village- Mirkaha, P.O and P.S- Mansahi, District- Katihar.
2. Md. Manjur Hak, Son of Late Mohiuddin @ Mohiuddin Ali Resident of village- Mirkaha, P.O and P.S- Mansahi, District- Katihar.
3. Abdul Huk Son of Late Mohiuddin @ Mohiuddin Ali Resident of village- Mirkaha, P.O and P.S- Mansahi, District- Katihar.
4. Hajrat Ali Son of late Mohiuddin @ Mohiuddin Ali Resident of village- Mirkaha, P.O and P.S- Mansahi, District- Katihar.
5. Bibi Ajeba Daughter of late Mohiuddin @ Mohiuddin Ali Resident of village- Mirkaha, P.O and P.S- Mansahi, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of RevenueLandReforms,Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue andLand Reforms, Government of Bihar, Patna.
3. District Magistrate-cum- Collector, District- Katihar.
4. Additional Collector (Revenue), Katihar, District- Katihar.
5. Circle Officer, Mansahi, District- Katihar

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18233 of 2023

1. Md. Irfan Son of Late Samsuddin Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.
2. Mojibur Rahman Son of Late Sanaullah Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.
3. Abdul Salam Son of Late Fajlur Rahman Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.
4. Abdul Mannan Son of Fajlur Rahman Resident of Village-Mirkaha, P.O. and P.S.-Mansahi, District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secreary, Department of Revenue and Land Reforms,



Government of Bihar, Patna.

- 3. District Magistrate-Cum-Collector, District-Katihar.
- 4. Additional Collector (Revenue), Katihar, District-Katihar.
- 5. Circle Officer, Mansahi, District-Katihar.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 2017 of 2024

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- 1. Md. Israfil Son of Late Abdul Wahid, Resident of village - Mirkaha, P.O. and P.S. - Mansahi, District - Katihar.
- 2. Mainkail, son of Late Abdul Wahid, Resident of village - Mirkaha, P.O. and P.S. - Mansahi, District - Katihar.
- 3. Md. Mahiuddin, son of late Abdul Wahid, Resident of village - Mirkaha, P.O. and P.S. - Mansahi, District - Katihar.
- 4. Md. Israil, son of Late Abdul Wahid, Resident of village - Mirkaha, P.O. and P.S. - Mansahi, District - Katihar.
- 5. Jarjis Alam, son of Late Abdul Wahid, Resident of village - Mirkaha, P.O. and P.S. - Mansahi, District - Katihar.
- 6. Aktari Khatun, wife of late Md. Ajhar, Resident of village - Mirkaha, P.O. and P.S. - Mansahi, District - Katihar.

... .. Petitioner/s

Versus

- 1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
- 2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
- 3. District Magistrate-cum-Collector, District - Katihar.
- 4. Additional Collector (Revenue), Katihar, District - Katihar.
- 5. Circle Officer, Mansahi, District - Katihar.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 2694 of 2024

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- 1. Md. Khairul Alam Son of Late Asgar Ali Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar
- 2. Md. Nausad Ali Son of Late Soharab Ali Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar

... .. Petitioner/s

Versus



1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. District Magistrate-cum-Collector, District- Katihar.
4. Additional Collector (Revenue), Katihar, District- Katihar
5. Circle Officer, Mansahi, District- Katihar

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 7085 of 2024

1. Md. Ibrahim Son of Late Md. Naimuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
2. Md. Abutalib Son of Late Naimuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
3. Md. Sonaradi Son of Late Mohiuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
4. Md. Alauddin Son of Late Mohiuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
5. Md. Mansur @ Mansur Alam Son of Late Mohiuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
6. Md. Ansur Son of Late Mohiuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
7. Md. Ainul Haque Son of Late Tamijuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
8. Majbur Alam Son of Late Tamijuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
9. Mohammad Nurul Haque Son of Late Tamijuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
3. District Magistrate-cum-Collector, District- Katihar.
4. Additional Collector (Revenue), Katihar, District- Katihar.
5. Circle Officer, Mansahi, District- Katihar.

... .. Respondent/s

Appearance :



(In Civil Writ Jurisdiction Case No. 17259 of 2023)

For the Petitioner/s : Mr. Raju Giri, Advocate

Mr. Harshvardhan, Advocate

For the Respondent/s : Mr. Majid Mahboob Khan, Advocate

(In Civil Writ Jurisdiction Case No. 18107 of 2023)

For the Petitioner/s : Mr. Raju Giri, Advocate

Mr. Harshvardhan, Advocate

For the Respondent/s : Mr. Rishi Raj Sinha (Sc 19)

Mr. Manoj Kumar Sinha, AC to SC-19

(In Civil Writ Jurisdiction Case No. 18197 of 2023)

For the Petitioner/s : Mr. Raju Giri, Advocate

Mr. Harshvardhan, Advocate

For the Respondent/s : Mr. Raj Kishore Roy (Gp 18)

(In Civil Writ Jurisdiction Case No. 18233 of 2023)

For the Petitioner/s : Mr. Raju Giri, Advocate

Mr. Harshvardhan, Advocate

For the Respondent/s : Mr. Majid Mahboob Khan, Advocate

(In Civil Writ Jurisdiction Case No. 2017 of 2024)

For the Petitioner/s : Mr. Raju Giri, Advocate

Mr. Harshvardhan, Advocate

For the Respondent/s : Mr. Rishi Raj Sinha (Sc19)

(In Civil Writ Jurisdiction Case No. 2694 of 2024)

For the Petitioner/s : Mr. Raju Giri, Advocate

Mr. Harshvardhan, Advocate

For the Respondent/s : Mr. Prashant Pratap, G.P.-2

(In Civil Writ Jurisdiction Case No. 7085 of 2024)

For the Petitioner/s : Mr. Raju Giri, Advocate

Mr. Harshvardhan, Advocate

For the Respondent/s : Mr. Additional Advocate General (7)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-05-2024 Heard Mr. Raju Giri, learned counsel for the

petitioners duly assisted by Harshvardhan, learned counsel as

also learned State Counsels appearing in different batch cases.

In CWJC No. 17259 of 2023.

1. The present petition has been preferred for
the following reliefs:

*(i) to issue an appropriate
writ / order / direction, in the nature of
certiorari for quashing the Notice dated
11.07.2022 issued by the Circle Officer,*



Mansahi, District- Katihar in the name of dead person who is late father of the petitioners and in whose names the land of village- Marangi bearing Khata No. 82, Khesra No. 311 (Area 24 decimals) were settled vide settlement case no. 59/75-76 (as contained in Annexure-P/5);

(ii) to issue an appropriate writ order / direction, holding that the entire proceeding of Ceiling Proceeding Case NO. 12/74-75 of District- Katihar especially the Order dated 24.11.2003 passed by the Board of Revenue Bihar in the Revision Case NO. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioners after settlement of the land in their favour is not applicable and binding on the petitioners;

iii. to issue an appropriate writ / order / direction, in nature commanding of respondent the mandamus District Magistrate, Katihar, not to disturb the possession of the petitioners from the land in question and also not to force them to vacate their lands on which their house is situated.

In CWJC No. 18107 of 2023.

1. The present petition has been preferred for



the following reliefs:

(i) to issue an appropriate writ order / direction, in the nature of certiorari for quashing the Notice dated 11.07.2022 issued by the Circle Officer, Mansahi, District- Katihar by which the said Notice has been issued in the name of dead persons who are ancestors of petitioners and in whose names the land of village- Marangi bearing Khata No. 82, Khesra No. 307 (Area 18 decimals) and Khesra NO. 308 (06 decimals) were settled vide settlement case no. 59/75-76 (as contained in Annexure-5);

(ii) to issue an appropriate writ / order / direction, holding that the entire proceeding of Ceiling Proceeding Case No. 12/74-75 of District- Katihar especially the Order dated 24.11.2003 passed by the Board of Revenue of Bihar in the Revision Case NO. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioners after settlement of the land in their favour is not applicable and binding on the petitioners;

(iii) to issue an appropriate writ / order / direction, nature in of commanding the respondent mandamus



District Magistrate, Katihar, not to disturb the possession of the petitioners from the land in question and also to force them to vacate their houses.

In CWJC No. 18197 of 2023.

1. The present petition has been preferred for the following reliefs:

(i) to issue an appropriate writ order / direction, in the nature of certiorari for quashing the Notice dated 11.07.2022 issued by the Circle Officer, Mansahi, District- Katihar in the name of dead person who is late father of the petitioners and in whose names the land of village- Marangi bearing Khata No. 82, Khesra No. 323 (Area 20 decimals), Khesra No. 324 (Area 13 decimals) and Khesra No. 326 (Area 44 decimals) were settled vide settlement case no. 59/75-76 (as contained in Annexure- P/5);

(ii) to issue an appropriate writ / order / direction, holding that the entire proceeding of Ceiling Proceeding Case NO. 12/74-75 of District- Katihar especially the Order dated 24.11.2003 passed by the Board of Revenue Bihar in the Revision Case No. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioners



after settlement of the land in their favour is not applicable and binding on the petitioners;

(iii) to issue an appropriate writ / order / direction, in nature commanding the of respondent mandamus District Magistrate, Katihar, not to disturb the possession of the petitioners from the land in question and also not to force them to vacate their lands on which their house is situated.

In CWJC No. 18233 of 2023.

The present petition has been preferred for the following reliefs:

(i) to issue an appropriate writ / order / direction, in the nature of certiorari for quashing the Notice dated 11.07.2022 issued by the Circle Officer, Mansahi, District- Katihar by which the said Notice has been issued in the name of dead persons who are ancestors of petitioners and in whose names the land of village- Marangi bearing Khata No. 82, Khesra No. 240 (Area 49 decimals) were settled vide settlement case no. 59/75-76 (as contained in Annexure-5);

(ii) to issue an appropriate writ / order / direction, holding that the entire proceeding of Ceiling Proceeding



Case No. 12/74-75 of District- Katihar especially the Order dated 24.11.2003 passed by the Board of Revenue of Bihar in the Revision Case NO. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioners after settlement of the land in their favour is not applicable and binding on the petitioners;

(iii) to issue an appropriate writ / order / direction. in nature of commanding the respondent mandamus District Magistrate, Katihar, not to disturb the possession of the petitioners from the land in question and also to force them to vacate their houses.

In CWJC No. 2017 of 2024.

1. The present petition has been preferred for the following reliefs:

(i) to issue an appropriate writ/order/ direction, in the nature of certiorari for quashing the Notice dated 11.07.2022 issued by the Circle Officer, Mansahi, District- Katihar by which the said Notice has been issued in the name of dead persons who are ancestors of petitioners and in whose names the land of village- Marangi bearing Khata No. 82, Khesra No. 315 (Area 31 decimals) were



settled vide settlement case no. 59/75-76 (as contained in Annexure-5);

(ii) to issue an appropriate writ / order / direction, holding that the entire proceeding of Ceiling Proceeding Case No. 12/74-75 of District- Katihar especially the Order dated 24.11.2003 passed by the Board of Revenue of Bihar in the Revision Case NO. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioners after settlement of the land in their favour is not applicable and binding on the petitioners;

(iii) to issue an appropriate writ order / direction, in nature of mandamus commanding the respondent District Magistrate, Katihar, not to disturb the possession of the petitioners from the land in question and also to force them to vacate their houses.

In CWJC No. 2694 of 2024.

1. The present petition has been preferred for the following reliefs:

(i) to issue an appropriate writ / order / direction, in the nature of certiorari for quashing the Notice dated 11.07.2022 issued by the Circle Officer, Mansahi, District- Katihar in the name of



dead person who is late father of the petitioners and in whose names the land of village Marangi bearing Khata No. 82, Khesra No. 301(Area 2 decimals), were settled vide settlement case no. 59/75-76 (as contained in Annexure-P/4);

(ii) to issue an appropriate writ order / direction, holding that the entire proceeding of Ceiling Proceeding Case NO. 12/74-75 of District- Katihar especially the Order dated 24.11.2003 passed by the Board of Revenue Bihar in the Revision Case NO. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioners after settlement of the land in their favour is not applicable and binding on the petitioners;

(iii) to issue an appropriate writ / order / direction, commanding in nature of mandamus the respondent District Magistrate, Katihar, not to disturb the possession of the petitioners from the land in question and also not to force them to vacate their lands on which their house is situated.

In CWJC No. 7085 of 2024.

1. The present petition has been preferred for the following reliefs:



(i) to issue an appropriate writ / order / direction, in the nature of certiorari for quashing the Notice dated 11.07.2022 issued by the Circle Officer, Mansahi, District- Katihar by which the said Notice has been issued in the name of dead persons who are ancestors of petitioners and in whose names the land of village Marangi bearing Khata No. 82. Khesra No. 302 (Area 42 decimals) and Khesra No.306 (Area 24 decimals) were settled vide settlement case no. 59/75-76 (as contained in Annexure-5);

(ii) to issue an appropriate writ / order / direction, holding that the entire proceeding of Ceiling Proceeding Case NO. 12/74-75 of District- Katihar especially the Order dated 24.11.2003 passed by the Board of Revenue of Bihar in the Revision Case NO. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioners after settlement of the land in their favour is not applicable and binding on the petitioners;

(iii) to issue an appropriate writ / order / direction, in nature of mandamus commanding the respondent District Magistrate, Katihar, not to disturb the possession of the petitioners from the



land in question and also to force them to vacate their houses.

3. As per the submission of Mr. Giri, learned counsel for the petitioners, in all the writ petitions, notice(s) dated 11.07.2022 is/are addressed to the fathers of the writ petitioners who are dead and as such, the notice(s) issued against the dead persons is/are invalid.

4. Notice(s) were issued in July, 2022 and we are in the month of May, 2024 i.e. more than 1 and ½ years have lapsed without any action on the part of the respondents.

5. Further, in view of the defective notice(s) issued by the respondents, the petitioners are well within their rights to ignore the same unless an appropriate notice(s) is/are issued.

6. All the writ petitions stand disposed of.

(Rajiv Roy, J)

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