

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.99 of 2024

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1. Md Alauddin Son of late Sher Mohammad Resident of village- Mirkaha, P.O and P.S Mansahi, District- Katihar.
 2. Musharaf Perwez Son of Late Md. Naimuddin Resident of village- Mirkaha, P.O and P.S Mansahi, District- Katihar.
 3. Akalima Khatoon Wife of late Md. Fazar Ali Resident of village- Mirkaha, P.O and P.S Mansahi, District- Katihar.
 4. Md. Ishrafil Son of late Farjand 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

Appearance :

For the Petitioner/s	:	Mr.Raju Giri, Advocate
For the Respondent/s	:	Mr.Governmnet Pleader (4)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-04-2024 Heard Mr. Raju Giri, learned counsel for the
petitioner and learned counsel for the State.

2. The present writ 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 person who is ancestor (late father and grand father) of petitioners and in whose name the land of village- Marangi bearing Khata No. 82, Khesra No. 264 (Area 32 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 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 statement of Mr. Giri, learned counsel for the petitioner that the notice(s) dated 11.07.2022 is/are addressed to the father of the petitioners who died and as such, the notice(s) issued against the dead persons is/are invalid.

4. Notice(s) is/are of July, 2022 and we are in April, 2024 i.e. more than 1 and ½ years has lapsed without any action by the respondents.

5. In view of the defective notice that has been issued, the petitioners are well within their right to ignore the same unless an appropriate notice(s) is/are issued.

6. The writ petition stands disposed of.

(Rajiv Roy, J)

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