

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2875 of 2024

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1. Md Sariful Son of Late Sirajuddin Resident of Village- Mirkaha, P.O. and P.S.- Mansahi, District- Katihar.
 2. Md. Muslim Son of Late Vajiuddin 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. Birendra Pd. Singh, AC to SC-19

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-06-2024 Heard Mr. Raju Giri, learned counsel for the
petitioners and Mr. Birendra Pd. Singh, learned AC to SC-19.

2. The petitioners have prayed 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. 320 (Area 14 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 of mandamus commanding 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;
(iv) any other relief or reliefs for which
the petitioner is entitled to.*

3. As per the submission of Mr. Giri, learned counsel for the petitioners, in the writ petition, notice(s) dated 11.7.2022 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 June, 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. The writ petition stands disposed of.

(Rajiv Roy, J)

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