

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1216 of 2024

Abdul Rashid Son of Late Taiyab 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.Sajid Salim Khan (Sc25)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-04-2024 Heard Mr. Raju Giri, learned counsel for the petitioner
and Mr. Sajid Salim Khan, SC-25.

2. The petitioner has 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 to the petitioner in regard
to the land bearing Khata No. 82, Khesra
NO. 317, (Area 105 decimals) and Khata
NO. 82, Khesra No. 319 (Area 13 decimals)*



situated in village- Marangi. Anchal Mansahi, District- Katihar, which were settled in favour of late father of the petitioner vide settlement case no.582/75-76 (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 Bihar in the Revision Case NO. 23 of 2001 and subsequent Orders passed in the aforesaid Ceiling Case at the back of the petitioner after settlement of the land in his favour is not applicable and binding on the petitioner.

(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 petitioner from the land in question and also to force him to vacate his



house.

3. Mr. Raju Giri, learned counsel for the petitioner submits that the Circle Officer, Mansahi, Katihar had issued notice in Land Settlement Case No. 582/75-76.

4. Learned counsel has taken this Court to an order passed in C.W.J.C. No. 134 of 2024 in the case of Md. Wajir vs. the State of Bihar disposed of on 29.3.2024 with specific reference to paragraphs 4 to 7 which read as follows:

4. Mr. Giri, learned counsel appearing on behalf of the petitioner submits that a bare perusal of the notice itself would show that they are landless people and red card were issued to them. In that background, he submits that he is ready to appear before the Circle Officer, Mansahi, Katihar, alongwith all the relevant documents but instead of the said Officer deciding the matter, it would be appropriate that alongwith his reply, the Circle



Officer submits its report to the Collector/Additional Collector, Katihar so that an appropriate order is passed in the matter;

5. learned AC to GP-5 acknowledges that the submission put forward by the counsel for the petitioner is fair, just and proper and it would be appropriate that the same is ultimately decided by the Collector and/or the Additional Collector, Katihar;

6. in that view of the matter, the writ petition stands disposed of directing the petitioner to appear before the Circle Officer, Mansahi, Katihar, pursuant to the notice dated 11.07.2022 issued by him (Annexure-P/5 to the petition). In case, the petitioner appears before the Circle Officer, Mansahi, Katihar, within three weeks from



today, he shall take up the matter and within eight weeks shall submit its report alongwith the reply of the petitioner before the appropriate authority (the Collector and/or in case, upon the direction of the Collector, 10 the Additional Collector, Katihar) who shall take up the matter and dispose it off within a period of six months from the submission of the report;

7. it is expected from the respondents that the petitioner who is continuing after the issuance of red card from the year 1975-1976 itself, till an order is passed by an appropriate authority, he will not be disturbed.

5. Taking into account the aforesaid facts, this writ petition is disposed of with a direction to the petitioner to appear before the Circle Officer, Mansahi, Katihar pursuant to the



notice dated 22.7.2022 (Annexure-P/5 to the petition) in connection with Land Settlement Case No. 582/75-76 within three weeks from today.

6. In case, he appears within the aforesaid period, the Circle Officer, Mansahi, Katihar shall take up the matter and disposed it of within a period of six months thereafter.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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