

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.134 of 2024

=====

Md. Wajir son of late Rustam 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 Mandahi, District- Katihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate
For the Respondent/s : Mr. Government Pleader-5

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-03-2024 Heard Mr. Raju Giri, learned counsel for the petitioner

and learned AC to GP-5.

2. The present writ petition has been preferred for the
following relief:

*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 as the said Notice has been issued in
the name of dead person who is late father of
the petitioner and in whose names the land
of village- Marangi bearing Khata No. 82,
Khesra No. 311 (Area 13.5 decimals) was*



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 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 commanding the respondent mandamus 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.

ie. To any other relief or reliefs for which the Petitioner are entitled to.

iv. To any other relief or reliefs for which the petitioner is/are entitled to.”

3. The Circle Officer, Mansahi, Katihar has simply issued notice to the petitioner to appear along with the red card so that further steps is/are taken relating to the land settlement case no. 59 of 1975-1976.



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, to 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.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

