

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1960 of 2017

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1. Md. Masik @ Md. Matik Son of Late Neyaz Ali,
 2. Md. Kasim @ Kasim, Son of Late Neyaz Ali,
 3. Md. Ifrad @ Ifrad, Son of Late Neyaz Ali, All are residents of Village- Perveli, P.S.- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Katihar.
3. The Additional Collector land Ceiling, Katihar.
4. The Circle Officer, Kadwa, Anchal- Kadwa, District- Katihar.
5. Nayan Kumari Devi, wife of Late Bindeshwari Prasad Bhagat,
6. Krishna Mohan Prasad Bhagat @ Krishna Mohan Bhagat, Son of Late Bindeshwari Prasad Bhagat,
7. Hira Lal Bhagat @ Hira Lal Prasad Bhagat, son of Late Bindeshwari Prasad Bhagat,
8. Shankar Prasad Bhagat @ Sheo Shankar Prasad Bhagat, son of Late Bindeshwari Prasad Bhagat, All are residents of village- Parveli, P.S.- Kadwa, District- Katihar.
9. Mukti Prasad Bhagat, Son of Late Saryug Prasad Bhagat, resident of Village- Perveli, P.S.- Kadwa, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abdul Wadood, Advocate
For the Respondent/s : Mr. Dhurjati Kr. Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 06-01-2026 Heard the parties.

2. The present petition has been preferred for the
following relief(s):

“(i) To quash the order vide Memo No.

393 dated 30.5.2016 issued by the Additional

Collector, Katihar by which he has accepted the



proposal and cancelled the Jamabandi which was made in favour of the petitioners and other persons which has been sent by the Circle Officer, Kadwa to the petitioners vide Memo No.1545 dated 5.12.16 contained in Annexure-7 and 8 to the writ petition.

(ii) To direct the respondents 1st set not to dispossessed the petitioners from the land in question over which they are in possession since long.

(iii) Any other relief or reliefs may be given which will be just, proper and equitable in the opinion of this Hon'ble Court.”

3. Learned counsel for the petitioner has taken this Court to an order dated 18.02.2025 passed by a Coordinate Bench in CWJC No. 2216 of 2017 (Deven Rai & Ors vs. The State of Bihar & Ors) and paragraph nos. 3 to 8 read as follows:

“3. The petitioners are the settlees/allottees of the land which was declared surplus but subsequently was de-notified, after order of the coordinate Bench passed in CWJC No. 12726 of 2013 vide order dated 15.09.2014.



4. After order of the coordinate Bench, the Collector, Katihar passed an order dated 20.02.2001 denotifying the surplus land which had already been settled to the petitioners and other persons, but while passing the order dated 20.02.2001, the Collector, Katihar has specifically directed that till the alternative arrangement to rehabilitate the petitioners (the red card holders), they should not be destabilized.

5. Despite the specific direction of the Collector, Katihar, no step has been taken for rehabilitation of the petitioners.

6. Learned counsel for the petitioners submits that the only grievance of the petitioners is that despite the specific order/direction of the Collector, Katihar, the alternate arrangement for their rehabilitation has not been made till date.

7. Considering the above-mentioned facts and circumstances, the Collector, Katihar is directed to take appropriate steps for rehabilitation of the petitioners, as per his earlier observation dated 20.02.2001 passed in Miscellaneous Ceiling



Case No. 615 of 1997 for which the petitioners shall make application before the Collector within a period of three weeks and the same shall be decided within a period of six months from the date of filing thereof in accordance of law.

8. With these observation/direction, the writ petition stands disposed of.”

4. Learned counsel for the petitioners submit that they may also be allowed to agitate the matter before the Collector in line with the order passed in the case of Deven Rai (supra).

5. The State accepts that the aforesaid order has been passed by a Coordinate Bench and has no objection.

6. In that background, the writ petition stands disposed of in terms of Deven Rai (supra) case by directing the petitioners to approach the Collector, Katihar in next four weeks who shall be taking appropriate decision in the light of the facts incorporated above alongwith the case of Deven Rai (supra).

(Rajiv Roy, J)

Adnan/-

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