

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13410 of 2024

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M/s Alex Green Energy Pvt. Ltd., represented through its Director Deepak Agrawal, aged about 46 years (M), Son of Late Girdhari Lal Agrawal having its Registered Office at West Wind, Flat 5B, BL-478, Raja S C Mullick Road, Kolkata- 700084, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Land Reforms and Revenue, Government of Bihar, Patna.
2. The District Magistrate, Banka.
3. The Additional Collector, Banka.
4. The Circle Officer, Banka Sadar, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Deo Prakash Singh, Advocate
For the Respondent/s	:	Mr. Rakesh Ranjan, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

Date : 10-09-2024

Heard Mr. Deo Prakash Singh, learned Advocate for the petitioner and Mr. Rakesh Ranjan, learned AC to GP-22.

2. The petitioner is aggrieved by the order dated 18.06.2024, whereby, the respondent no. 4 has rejected the application of the petitioner for issuance of Land Possession Certificate (hereinafter referred to as “LPC”) in his favour for his *raiya* land, which has been purchased through various sale deeds.

3. Drawing the attention of this Court to the impugned order, learned Advocate for the petitioner contended that the entire land for which LPC has been sought for, covers 56 acres and 34.5 decimals. However, on being found that a portion of 57



decimals of land, falling under Khata No. 03, Plot No. 257 as *Gair Mazarua Khas*, as is recorded in revisional *khatiyān*, all the application for LPC(s) has been rejected. It is further contended that the petitioner is a company, registered under the Companies Act, 1956 and is engaged in business of generation of Solar Power Energy for the purposes of establishing a solar power plant in the district of Banka. The petitioner's company purchased different pieces of land by a number of registered sale deeds, executed by respective land owners.

4. Having purchased the land, in question, mutation has also been done and *jamabandi* has been created vide Jamabandi Case No. 114 in the name of the petitioner's company. The rent receipts have also been issued by the State of Bihar on payment of the rent. In course of business, the company faced with financial crunch, traveled to National Company Law Tribunal, Kolkata Bench, Kolkata and final order has been passed in favour of the creditors and guarantors. Now the company requires to mortgage those land for obtaining bank loan and, as such, there was necessity to get updated LPC in the favour of the company.

5. Learned Advocate for the State prays for some time to seek instruction in the matter.

6. Heard the learned Advocate for the respective



parties. Despite the fact that only the portion of 57 decimals falling within Khata No. 03, Plot No. 257 recorded in revisional *khatiyān* as *Gair Majarua Khas*, the applications for issuance of all the LPC has been rejected, without there being any justified reason, much less, with respect to other land(s), excluding the portion of 57 decimal, as noted above, purchased under different sale deeds.

7. This Court finds substance in the writ petition. Accordingly, the impugned order dated 02.02.2022, as contained in Annexure-1 stands quashed. The matter is relegated to the Circle Officer, Banka to reconsider the matter and issue necessary LPC with respect to other lands, which is not in dispute in any of the manner.

8. Needless to observe that so far the disputed plot is concerned, the same shall be considered after verification of the record.

9. The writ petition stands allowed to the extent indicated, hereinabove.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2024
Transmission Date	NA

