

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11824 of 2025

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Manorma Devi W/o Anil Kumar Singh, R/o Vill.- Domdih, P.O.- Sewtapur,
P.S.- Mairwa, Distt. - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
2. Principal Secretary, Revenue and Land Reforms, Bihar, Patna.
3. District Magistrate, Siwan.
4. Additional Collector, Siwan.
5. D.C.L.R., Siwan.
6. Circle Officer, Mairwa, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Adv.
For the Respondent/s	:	Mr. S.D. Yadav (AAG-09)
		Mr. Braj Bhushan Mishra (AC to AAG-9)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT

Date : 24-07-2025

In the instant petition, the petitioner has prayed
for following relief(s):-

- “A) Quashing the undated order passed by Circle Officer, Mairwa, Siwan whereby he has refused to grant Land Possession Certificate (hereinafter referred to as ‘L.P.C.’) to the petitioner.*
- B) Directing Respondent No.6 to grant L.P.C. with respect to the land in question in favour of the petitioner.*
- C) Grant any other relief(s) for which the petitioner is deemed entitled for.”*

2. Learned counsel for the petitioner submits that
present case relates to the piece of land appertaining to Khata



No.242, Plot No. 509, Area-31.896 decimal equivalent to 8 Katha 11 dhur 9 dhurki situated at Mauza-Mudiyari, P.O.- Mairwa, P.S.- Mairwa, District-Siwan. He submits that land in question has been purchased by the petitioner after proper verification. He further submits that Government Pleader replied to the query raised by District Sub-Registrar on 11.05.2007 affirming the fact that Sanaullah (vendor) is the owner of the land in question and is free to execute transfer deed, as stated in para 8 of the writ petition. He further submits that said Sanaullah (vendor) sold the land in question vide two separate registered sale deeds dated 31.07.2007 and 14.11.2007 in favour of the petitioner with respect to the land in question and petitioner came in possession of the said land and got her name mutated in the siresta of State of Bihar vide Mutation Case No.1283 of 2007-08 and the petitioner is paying rent up-to-date. Petitioner has submitted copy of registered sale deeds dated 31.07.2007 and 14.11.2007, which has been annexed as Annexure-P/3 (series) including copy of up-to-date rent receipts (Annexure-P/4 series). Learned counsel for the petitioner further submits that in the year 2022 National Highway Authority of India decided to acquire the land in question beside other lands for construction of N.H. 227-A for Ram-Janaki Marg from



Ayodhya to Janakpur and the petitioner needs to take L.P.C. with regard to the land in question. When the petitioner applied for L.P.C., the Circle Officer, Mairwa, Siwan by the impugned order, as contained in Annexure-1, has refused the prayer of the petitioner for grant of L.P.C. without looking into the records of right which shows the irresponsible and very casual approach of the concerned Circle Officer. As per statutory provision, the concerned authority is required to perform of his duty. It is submitted that though petitioner has alternative remedy but here the concerned authority has failed to discharge his duty and he has not exercised his jurisdiction which is totally against the spirit of law. In the light of the aforesaid, learned counsel submits that if the competent authority has failed to exercise his jurisdiction with regard to the matter in question, the writ court has specific jurisdiction to decide the matter at hand.

3. Learned counsel for the State submits that against the order passed by the Circle Officer, Mairwa, Siwan petitioner has remedy to approach the higher authority to decide the matter with regard to the land in question for L.P.C.

4. The moot question which has been raised by counsel of the petitioner is that the concerned Circle Officer, Mairwa, Siwan has not exercised the jurisdiction properly which



ought to have been exercised in the light of given facts and circumstances of the present case. It has been submitted that the mutation case has been numbered as Mutation Case No. 1283 of 2007-08 and accordingly, the mutation has been decided in favour of the petitioner and he is paying recent receipt of the land in question. It has been contended that petitioner is in possession of the land in question. The question arises as to why the Circle Officer, Mairwa, Siwan has not taken into account the *bona fide* act of the petitioner with regard to the land in question and he has not given L.P.C. which is *prima facie* ought to have been given which is well within the jurisdiction of the Circle Officer, Mairwa, Siwan.

5. Hon'ble Supreme Court in the case of ***Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and others*** reported in ***(1998) 8 SCC 1*** in para 15, held as under:-

15. Under Article 226 of the Constitution, the High Court, having regard to the facts of the case, has a discretion to entertain or not to entertain a writ petition. But the High Court has imposed upon itself certain restrictions one of which is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction. But the alternative remedy has been consistently held by this Court not to operate as a bar in at least three contingencies, namely, where petition has been filed for the



enforcement of any of the Fundamental Rights or where there has been violation of the principle of natural justice or where the order or proceedings are wholly without jurisdiction or the vires of an Act is challenged.

6. The concerned Circle Officer failed to exercise its jurisdiction in the given facts and circumstances of the case which is well within the jurisdiction of the concerned Circle Officer and he has refused to give L.P.C. I am of the considered view that order passed by the concerned Circle Officer is not in accordance with law and the concerned party has suffered a loss as the petitioner was required to produce the requisite document i.e L.P.C. in order to get compensation as she was a beneficiary. The concerned Circle Officer has acted against the material which is already on record as submitted by the petitioner in support of his contention, which has been mentioned in the foregoing paragraphs. The Circle Officer, Mairwa, Siwan has not exercised its jurisdiction while granting L.P.C. though all the relevant materials have been produced by the petitioner before him.

7. In the light of the discussions made above and the law laid down by the Hon'ble Supreme Court, I have exercised extra ordinary jurisdiction conferred under Article 226 of the Constitution of India to set aside the order passed by the



concerned Circle Officer. Accordingly, the order passed by the Circle Officer, Mairwa, Siwan, as contained in Annexure-1, whereby the he has refused to grant Land Possession Certificate to the petitioner in respect of the land in question, is not sustainable in the eye of law and the same is hereby set-aside. The matter is remanded back to the concerned authority for hearing the parties afresh regarding all the materials which have been produced before the present writ petition and pass fresh order within a period of four weeks from the date of receipt/production of copy of this order, in accordance with law, after giving due opportunity of hearing to the parties concerned.

10. Accordingly, the present writ petition stands disposed of.

(Alok Kumar Pandey, J)

amitkumar/-

AFR/NAFR	AFR
CAV DATE	24.07.2025
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