

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.474 of 2025

In
Civil Writ Jurisdiction Case No.12486 of 2023

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Jasumati Devi W/o Jagarnath Ram, Resident of Village- Kashopur, P.O.-
Bairiya, P.S.- Purnahiya, District- Sheohar (P.S. name wrongly furnished in
the writ petition)

... .. Appellant

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna. (Respondent no. 1 wrongly described in the writ petition as The State of Bihar through Additional Chief Secretary, Land and Revenue Department, Government of Bihar).
2. The District Collector, Sheohar. (Bihar as described in the writ is not required)
3. The Additional Collector, Sheohar. (Respondent no. 3, Additional Collector, Purnahiya wrongly described in the writ).
4. The Sub-Divisional Officer, Sheohar. (Respondent no. 4, The Sub Divisional Officer, Purnahiya wrongly described in Writ).
5. The Circle Officer, Purnahiya Anchal, Sheohar.
6. Reeta Devi, W/o Umesh Ram, resident of village - Kashopur, P.O. - Bairiya, P.S. Purnahiya, District- Sheohar(Village and P.S- Wrongly described in the writ petition).
7. Surji Devi, W/o Chandeshwar Ram, Resident of Village- Kashopur, P.O. - Bairiya, P.S.- Purnahiya, District - Sheohar (village and P.S. wrongly described in the writ petition)

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Sunil Kumar Verma, Advocate
For the State	:	Mr. Addl. Advocate General (12)
For the Respondent Nos. 6 & 7	:	Mr. Sameer Sawarn, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-02-2026



This Letters Patent Appeal has been filed by the appellant, Jasumati Devi challenging the order dated 24.02.2025 passed by the learned Single Judge in C.W.J.C. No. 12486 of 2023.

2. The aforesaid writ petition was filed by one Reeta Devi and another namely, Surji Devi, in which the appellant was Respondent No. 6 and following reliefs was sought for:

- “I. For issuance of a writ in the nature of mandamus direction to the Respondent authorities to secure the possession of the land of the petitioners which was allotted them under the scheme of Government of Bihar.*
- II. For issuance of a writ in the nature of mandamus commanding the respondent authorities to restrain the private respondent who are encroaching the Land of the Petitioners by using man and muscle power.*
- III. For a direction to the respondent to refrain from victimizing the petitioners.*
- IV. For any other relief or reliefs to which the petitioner may be found entitle to in the facts and circumstances of the case beside, as also the interim relief during pendency of the writ application.”*

3. The learned Single Judge has been pleased to dispose of the matter on 24.02.2025 without issuing notice to the appellant, who was the Respondent No. 6, with the



following direction:

“8. Considering the submissions made by learned counsel for the parties, the writ application is disposed of with a direction to the Circle Officer, Purnahiya to take a decision in accordance with the direction of the District Magistrate as contained in Memo No. 459 dated 12-8-2021 within a period of two months from the date of receipt/production of a copy of this order; if the direction contained in Memo No. 459 dated 12-8-2021 issued by the Collector, Sheohar, has not been challenged before any superior forum.”

4. The main ground that has been taken by the appellant/respondent No. 6 to the writ petition is that no opportunity of hearing was provided to her while passing the impugned order and therefore, it suffers from non-compliance of the principle of natural justice. When the matter was taken up on 08.01.2026 after noting down the contention of the learned counsel for the appellant, we made a query to the learned counsel for the State as to whether the Circle Officer, Purnahiya has proceeded as per the order of this Court and whether any notice has been issued to the appellant Jasumati Devi, the learned counsel for the Respondent No. 4 has filed the supplementary counter affidavit wherein in paragraph nos. 8 and 9, it is stated as follows:

“8. That following the due process of law, the



encroached land was vacated and possession was restored to the settled beneficiaries on 15.06.2025.

9. *That regarding the Appellant's claim of lack of notice, it is submitted that this office has subsequently issued notice to the Appellant, Jasumati Devi, for the adjudication of rival claims as per the observations of this Hon'ble Court."*

5. Though the learned counsel for the appellant submitted that no notice has been issued to the appellant, however the order sheet of the Circle Officer, Purnahiya has been annexed to such affidavit, which shows that the appellant remained present on 29.03.2025 and made her submission and thereafter, the matter was taken up on 19.04.2025, 30.04.2025, 08.05.2025, 09.05.2025, 26.05.2025 and 15.06.2025. On 15.06.2025, the final order was passed. The notice, which has been issued to the appellant, has also been annexed to the supplementary counter affidavit. Though the learned counsel for the appellant disputed the same but since disputed question of fact are not likely to be adjudicated in this Letters Patent Appeal and from the order sheet, it appears that the appellant had already entered her appearance and she was heard and moreover, against the final order passed by the Circle Officer, Purnahiya, the alternative remedy is available to challenge the same. It is open to the appellant to avail the appropriate remedy



in accordance with law.

6. Accordingly, the Letters Patent Appeal is disposed
of.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

shailendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.02.2026
Transmission Date	

