



**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7891 of 2025**

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 and Present Operating Office at Patnagarh, Chingarbandh, Odisha- 767025.

... .. 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 L.R.D.C., Banka.
5. The Circle Officer, Banka Sadar, District- Banka.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Deo Prakash Singh, Advocate  
For the Respondent/s : Mr. Government Pleader (11)

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

4      20-04-2026                      Heard Mr. Deo Prakash Singh, learned counsel for the petitioner and Ms. Dimpal Kumari, learned counsel for the State.

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

*(i) for quashing the order of cancellation of Jamabandi dated 24/02/2025. by Respondent No. 3, Additional Collector, Banka without adherence to the principles of natural justice and further without authority and*





*jurisdiction through Jamabandi Cancellation  
Case No. 121/2024-25 held in favour of Raiyati  
land of the petitioner having long term Jamabandi  
No. 114, for the land admeasuring 50.68% acres  
of land at Banka Sadar, detailed as under:*

**भूमि का विवरण**

| अंचल मौजा  | थाना<br>नं० | खाता            | खेसरा | रकबा<br>ए०डी० | जमाबंदी रैयत का नाम<br>सं० |
|------------|-------------|-----------------|-------|---------------|----------------------------|
| बांका दौना | 7/19        | 28              | 372   | 5.10          | गैरमजरुआ<br>मालगुजार       |
|            |             | 28              | 258   | 0.22          | गैरमजरुआ<br>मालगुजार       |
|            |             |                 | 258   | 28            | गैरमजरुआ<br>मालगुजार       |
|            |             |                 | 258   | 5             | गैरमजरुआ<br>मालगुजार       |
|            |             |                 | 372   | 1.10          | गैरमजरुआ<br>मालगुजार       |
|            |             |                 | 373   | 2             | 114 गैरमजरुआ<br>मालगुजार   |
|            |             |                 | 258   | 2.30          | गैरमजरुआ<br>मालगुजार       |
|            |             |                 | 258   | 5.50          | गैरमजरुआ<br>मालगुजार       |
|            |             |                 | 372   | 0.61          | गैरमजरुआ<br>मालगुजार       |
|            |             |                 | 372   | 0.28 ¼        | गैरमजरुआ<br>मालगुजार       |
|            |             | 3               | 257   | 0.57          | गैरमजरुआ<br>घटवाल          |
|            |             | कुल रकबा 50.68¼ |       |               |                            |

*ii) for issuance of writ in the nature of  
mandamus directing the Respondents authorities  
not to disturb the physical possession of the*





*Petitioner upon which the petitioner has been in possession since 06/10/1907 as evidenced in khatiyan.*

*(iii) for holding that long term Jamabandi cannot be cancelled in a summary proceeding which falls within the exclusive domain of the civil court.*

*(iv) for declaring that adherence of the principles of natural justice and valid service of notice is the sine qua non in exercise of the authority u/s 9 (1) of the Bihar Mutation Act, 2011.*

*(v) for any other relief/reliefs for which the petitioners are found entitled in the facts and circumstances of the case.”*

3. The details of the land is/are incorporated in the prayer itself and needs no repetition.

4. The facts leading to the present case is/are as follows:

5. The petitioner is a registered Company under Companies Act, 1956 and is engaged in business of generation of innovative renewable power in the form of Solar Power





Energy and for the purposes of establishing a Solar Power Plant in the District of Banka, the petitioner-company purchased different piece of land by a number of registered sale deeds executed by respective land holders/ Raiyats in the year 2012 on different dates after making payment of the value of consideration money. Needless to say, in this way petitioner acquired about 56 acres 34.5 decimal land for establishing the Solar Power Plant.

6. From the perusal of those sale deeds annexed as Annexure-P/1 Series to this writ application, it transpires that all those lands were sold by their respective raiyats and Jamabandi were already running in their favour. In this background, petitioner had reason to believe that the nature of land in question was recognized by the State of Bihar in favour of the raiyatis. Furthermore, at the time of registration of those sale deeds, no objection was raised by any authority/respondents disputing the nature of the land.

7. After purchase, the petitioner submitted application(s) for the mutation of those lands in its name and accordingly, Jamabandi No. 114 was created in the name of petitioner all those lands were mutated which will be apparent from perusal of Jamabandi register. Thus from on 19/09/2019





onward, the respondent/authorities have issued details showing creation of 'Jamabandi' with respect to entire plots of area 56 acres 34.5 decimals in the name of petitioners.

8. To support the creation of Jamabandi No. 114 in the name of petitioners, the updated rent receipts issued by the State of Bihar which include the rent receipt dated 20.06.2023 by the respondent-authorities.

9. It is further stated that the present owners and promoters of the company have acquired the company **M/S Alex Green Energy Pvt. Ltd**, through IBC proceeding vide CP (IB) No. 1439/KB/2018 and CA (IB) 1205/2019 /2019 dated 25/11/2019 conducted through the jurisdictional court of National Company Law Tribunal, Kolkata Bench, through, its arm M/S Fortis Chemicals Pvt Ltd., and the present management run by the directors Mr. Rajesh Agrawal and Mr. Deepak Agrawal w.e.f 22/01/2020 after payment of entire consideration of the purchase amount in the said IBC processing.

10. That in course of initiating the installation of solar power plant at the subject matter property, the petitioner applied for the LPC which has been rejected with remarks that the Khata No. 3, Plot No. 257 admeasuring 57 decimals have





been found to be 'Gair Mazura Khas', the description of which has been mentioned in Khata No.3, and the same is recorded in revisional Khatiyani as Gairmajarua Khas land.

11. On rejection of 'the LPC' by the respondents, the petitioner filed writ petition **CWJC No. 13410 of 2024** with this Court and the Court directed the Respondent no. 5 to issue LPC (with regard to the rest of the properties except Khata no.3 which has to be issued after verification of records) vide an order dated 10/09/2024.

12. The petitioner in all fairness filed online application again for the issuance of 'the LPC' by annexing the order dated 10/09/2024 of CWJC No. 13410/2024 with a request for the issuance of 'the LPC' against the Jamabandi No. 114. However, it has again been rejected without assigning any reason and acknowledging this Court's order.

13. This followed the present petition. Learned counsel for the petitioner submits that despite the lawyer appearing on behalf of the petitioner, before the respondents, no information was forthcoming and by recording a single word (rejection), the case of the petitioner has been rejected. This has resulted not only in the failure of the project but also the land in which huge investment has been made is now been





taken away by the respondents.

14. However, the submission is that after the rejection order dated **26.10.2024**, they have received another notice for filing a petition online on 25.02.2025. The petitioner acted on the said request which followed fresh orders passed by the revenue authorities dated 17.03.2025 (Circle Officer, Sadar, Banka) and the order dated 24.02.2025 by the Additional Collector, Banka.

15. The Additional Collector, Banka has found the Jamabandi No. 114 to be disputed and accordingly, it has been cancelled.

16. Learned counsel for the petitioner submits that only harassment is being meted out to them and the decisions are being taken *suo moto* without even any proper hearing.

17. A counter-affidavit has come on behalf of the respondents and learned State counsel has taken this Court to paragraph-25 to show that the matter is appealable before the Collector of the district.

18. This Court has recorded the entire facts of the case and comes to the conclusion that the respondents definitely are acting in a very highhandedness manner. The petitioner firm has taken pains to make investment in the State





of Bihar, valid transfers took place, the revenue authorities accepted the said transfers and issued rent receipt. However, the moment, the prayer for grant of 'the LPC' was made for installation of Solar Power Plant, they took an U-turn and rejected the application.

19. In that background, though this Court, at one stage, wanted to quash the order of the Additional Collector, Banka dated 24.02.2025 itself but on the plea put forward by the learned State counsel that the Collector, Banka shall be taking note of the entire facts and shall be passing a reasoned order, it refrains from doing so.

20. The petitioner is directed to file an appeal alongwith all the relevant documents in eight weeks and the Collector, Banka shall be duty bound to look into each and every aspect of the case of the petitioner starting from the point when the petitioner purchased the lands from the raiyats which followed the issuance of the rent receipt, issued but when an application for grant of 'the LPC' was made, the present development took place.

21. Since the petitioner firm has come in the State of Bihar for installation of Solar Power Plant, it is expected that if the petition is preferred in next eight weeks, after hearing the





parties, the Collector, Banka shall be taking a decision at an earliest and in any case, within a period of three months from the date it receives the petition/representation of the petitioner.

22. The writ petition stands disposed of with aforesaid observation.

**(Rajiv Roy, J)**

Adnan/-

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