

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16379 of 2017

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Salil Kumar, Son of Sri Bharat Kumar Yadav, Resident of Village & P.O. Chukti, Police Station-Mansi, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Khagaria.
2. The Collector, Khagaria.
3. The Sub Divisional Magistrate, Khagaria.
4. Senior Regional Manager, RET, Hindustan Petroleum Corporation Limited, Begusarai Retail Regional Office, Barauni Terminal , at and P.O. Papraur, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
Mr. Anil Kumar, Advocate

For the Respondent/s : Mr. Md. Khurshid Alam – AAG12
Mr. Fakhruddin Ali Ahmad, AC to AAG12

For the Respondent No. 4: Mr. Prem Kumar Jha, Advocate
Mr. Rajesh Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 23-02-2018

Heard Mr. Rajesh Kumar Singh, learned

counsel for the petitioner and Mr. Fakhruddin Ali Ahmad, learned
AC to AAG12.

The present Writ application has been filed for declaring and holding the conversion of agricultural land into non-agricultural land of the petitioner appertaining to Thana No. 283, Plot No. 495, 354, Khata No. 1960, 1961 in Mauza Thatha, P.S. Mansi, District – Khagaria for the purpose of running petrol dealership under Section 3(2) of Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 (hereinafter



referred to as the 'Act'). Further prayer has been made for a direction to respondent no. 2, District Magistrate, Khagaria to dispose of Miscellaneous Appeal No. 06 of 2014-15 filed against the order passed by Sub-divisional Officer, Khagaria vide order dated 25.07.2014 in Agriculture Land Conversion Case No. 12 of 2013-14 and to treat the land in question as non-agricultural land for all practical purposes and further not to take any coercive steps for treating the land as agricultural land in future.

The factual matrix of the case is that petitioner applied for conversion of the land in question from agricultural land to non-agricultural land through proper channel on 25.11.2013. Thereafter, preliminary enquiry report with recommendation dated 10.03.2014 was submitted by Circle Officer, Mansi to Sub-divisional Officer, Khagaria. Consequently the petitioner was directed to deposit Rs.6,04,450/- as conversion fee, vide order dated 26.06.2014 but the same is not in consonance with Section 4(1) of the Act as the same is based on miscalculation and in contravention of the rate of list given in spite of rate of list published by the Government. Hence, the petitioner filed an objection and Sub-divisional Officer, Khagaria vide order dated 25.07.2014 passed in Agriculture Land Conversion Case No. 12 of 2013-14 rejected the objection of the petitioner. The said



order has been challenged in Appeal before the District Magistrate, Khagaria in Misc. Appeal No. 06 of 2014-15 and since then it is pending.

Considering the nature of relief prayed for, moreover, since the petitioner has not prayed quashing of the order of Sub-divisional Magistrate dated 25.07.2014, while same is under challenge in Misc. Appeal No. 06 of 2014-15, this Court directs respondent no. 2, the Collector, Khagaria to dispose of the appeal, if the same has already not been disposed of, within a period of three months from the date of receipt/production of a copy of this order, after giving opportunity to all affected persons in accordance with the provisions of the Act.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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