

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20355 of 2018

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Sumeshwar Prasad S/o Late Kapil Dev Prasad, R/o Village- Gopalganj, P.S.-
Islampur, District- Nalanda at Bihar Sharif.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda at Bihar Sharif.
3. The Sub-Divisional Officer, Hilsa Nalanda.
4. The Deputy Collector Land Reforms Hilsa Nalanda.
5. The Circle Officer Parbalpur Block, Nalanda at Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh
For the Respondent/s	:	Mr. Md.Khurshid Alam -AAG-12
		Mr. Arun Kumar Bhagat, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-05-2019 Heard learned counsel for the parties.

The petitioner had made an application before the Sub-Divisional Officer, Hilsa (Nalanda), seeking permission for conversion of a piece of agriculture land to non-agriculture purpose under the provisions of Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 (in short 'the Act'). The said application has been dismissed. Rejection of the said application has been communicated to the petitioner by the Deputy Collector Land Reforms, Hilsa (Nalanda), through letter, dated 02.08.2018.

The plea, which has been taken by the petitioner in



the present writ application, is that Sub-Divisional Officer is the competent authority under the Act within the meaning of Section 2(b) of the Act, therefore, any order accepting or rejecting the petitioner's application for conversion of land to non-agriculture purpose ought to have been passed by the Sub-Divisional Officer. Referring to the impugned letter, dated 02.08.2018, it is the petitioner's case that the same does not indicate any decision taken by the Sub-Divisional Officer.

I find force in the plea taken on behalf of the petitioner, on examining various provisions of the Act. Section 2(g) of which defines the 'competent authority' means the Sub-Divisional Officer in whose jurisdiction the concerning agriculture land or a part thereof is situate. Section 5 of the Act further clarifies the issue which states that the Sub Divisional Officer shall be competent to order, in respect of the land situated within his territorial jurisdiction, conversion of land use from agriculture purpose to non-agriculture purpose. The grounds for refusal of such permission by the competent authority have also been indicated in various provisions under the Act.

Since the letter communicating refusal dated 02.08.2018, does not indicate any decision taken by the



competent authority, this application is disposed of with a direction to the Sub Divisional Officer, Hilsa (Nalanda), to take a final decision on the petitioner's application under the provisions of the Act for conversion of land within a period of three months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J.)

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