

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3061 of 2013

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Ranjan Kumar, S/O Sri Sidheshwar Prasad, Resident of Mohalla- Amber,
Police Station- Biharsharif and District- Nalanda, Presently Working As
Secretary Of The Bihar Petrol Pump Association, Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Transport Commissioner, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Magistrate, Nalanda At Biharsharif.
5. The District Magistrate, Nawada.
6. The Sub Divisional Officer, Nalanda.
7. The Sub Divisional Magistrate, Sadar, Nawada.

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate
For the Respondent/s : Mr. Pawan Kumar, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-08-2020

Re: I.A. No.8779 of 2014

The present interlocutory application has been filed for
substitution of the sole petitioner who died during pendency of
the present writ petition.

Having heard learned counsel for the parties, we allow
this interlocutory application.

Registry to make necessary correction in the cause title.



Originally, the present writ petition was filed for the following reliefs:-

- “(i) For directing the Respondent Authorities to renew the licences of the Retail outlets of Petrol Pumps situated in the State of Bihar.
- (i) For setting aside the order dated 11.02.2012 contained in letter No.1511 issued under the signature of District Magistrate, Patna by which he has written a letter to the District Transport Officer, Patna to not renew the licences of the Petrol Pump without fixing the commercial rent of the land.
- (ii) For setting aside the notices issued by the Sub-Divisional Officer, Nawada and Nalanda to the owners of the landlord to pay commercial rent of the land as they have notices under section 4(i) of the Public Demand Recovery Act, 2010 which has been defined in Section 6 of the Bihar Agricultural Land (non Agricultural Purpose) Act, 2010.
- (iii) And/ or for any other relief or reliefs to which the petitioner may be found entitled in course of hearing of this writ application.”

The matter was placed before a learned Single Judge of this Court and vide order dated 31.07.2013, passed the following order:-

“Mr. Abhimanyu Sharma for the



petitioner and learned counsel for the State are present.

Learned counsel for the petitioner submits that he will amend the prayer made in the writ application and raise an issue of constitutionality of the provisions contained in Bihar Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2010.

He is permitted to do so within two weeks.

Within the same time, he will file additional copy of the pleadings. On doing so, the matter shall go out of my Board to be placed appropriate Board after obtaining permission of Hon'ble the Chief Justice."

Accordingly, the petitioner filed interlocutory application bearing I.A. No.5633 of 2013, praying following relief: -

"For declaring the Bihar Agricultural Land (Conversion of Non Agricultural Purposes) Act, 2010 is ultra virus."

The amendment, as sought for, is allowed. The same will form part of the relief portion. The interlocutory application stands allowed.

Now, it is brought to our notice that the present



petition is squarely covered vide judgement dated 27.08.2020 passed in **CWJC No.7002 of 2012 titled as Anjani Kumar Prasad Singh Versus The Principal Secretary-cum-Commissioner, Department of Revenue and Land Reforms, Govt. of Bihar, Patna & Ors.** passed with respect to a similarly situated petition and as such we dispose it of in terms thereof.

The submissions made on behalf of the parties and the operative portion of the judgement dated 27.08.2020 passed in **Anjani Kumar Prasad Singh** (supra) read as under: -

“Shri Pawan Kumar, learned counsel for the State states that the present petition has become infructuous, inasmuch as Constitutional validity of the Statute stands upheld by this Court vide judgment dated 17.08.2019, CWJC No.2656 of 2019 titled as Lalan Singh Vs. The State of Bihar & Ors.

At this stage, Shri Mrigank Mauli, learned counsel for the petitioner states that the stand taken by the State, of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 (Bihar Act 11 of 2010) having its application with retrospective effect is untenable in law. Also, infrastructure created for running the business from the premises over the land are subjected to Municipal Tax.

We are in agreement with such submission made on behalf of the petitioner on two counts; (a) the issue of retrospectivity was never raised, nor dealt with by this Court in the said decision; (b) in the given facts and circumstances, such a plea is untenable for the simple reason that since the year 1967 petitioner has been using the land for the purposes of his business. He has been operating a petrol pump over the land in question and the Act, at that point of time, was neither conceived nor



enacted. It stood notified only on 16th of April, 2010, and made enforceable only with the subsequent notification of the Rules.

In view of the aforesaid, the present petition stands disposed of.

Interlocutory Application, if any, shall stand disposed of.”

No other submission was raised by learned counsel for the parties.

As such, the present petition is disposed of making the directions reproduced supra *mutatis mutandis* also to the instant case.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

pallavi/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.10.2020
Transmission Date	

