

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14371 of 2022

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Zafar Ali Baitha son of Hakim Baitha, resident of Village-Dagarua,
Panchayat-Dagarua, Ward No. 6, P.S.-Dagarua, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The Director, Directorate of Land Reforms and Survey, Government of Bihar, Patna.
4. The Divisional Commissioner, Purnea Division, Purnea.
5. The Collector, Purnea.
6. The Deputy Collector Land Reforms, Bayasi, Purnea.
7. The Sub-Divisional Officer, Bayasi, Purnea.
8. The Circle Officer, Dagarua, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kashyap, Adv.
For the Respondent/s : Mr. Md. Khurshid Alam, AAG-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 15-09-2023

Counsel for the petitioner and counsel for the State
are present.

2. The present writ petition has been filed for directing the respondent to accept the conversion fee from the petitioner and issue Deposit Challan under Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 for use of the petitioner's settled land at Mauza-Dagarua, Saran, Khata No.572, Khesra No.692, Area – 0.52 Decimal.

3. Counsel for the petitioner submits that the grandfather of the petitioner was a settlee of the land in question by *Bandobasti* on 12.12.1973 and the petitioner, who is continuing the possession of the settled land for generations and still in possession of the land, has filed an application before the Sub-Divisional Officer, Bayasi, Purnea and requested him to grant permission to convert the land from agricultural purposes to non-agricultural purposes, in accordance with the law laid down under the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 [Bihar Act 2010].

4. Counsel for the petitioner submits that petitioner is ready to pay the conversion fee, whatsoever shall be demanded by the Competent Authority. He submits that there is no decision taken on his said application till date, which has been filed by the petitioner. He also submits that petitioner has filed representation before the District Magistrate, Purnea, as well as, Divisional Commissioner, Purnea Division, Purnea but no decision has been taken till date.

5. Counsel for the State submits that in the counter-affidavit the denial has come but specific order has not been passed.

6. In this background, this Court directs the

Competent Authority i.e. Sub-Divisional Officer, Purnea, being the Competent Authority as defined under Section 2(G) of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 [Bihar Act 2010] to pass an order under Section 5 of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 [Bihar Act 2010] on the point of conversion of agricultural for non-agricultural purposes.

7. It also transpires to this Court that under Section 8 of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 [Bihar Act 2010] for list of types of lands for no permission for conversion shall be required. It also transpires to this Court that there is a provision of revision and appeal under Section 9 of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 [Bihar Act 2010] but appeal and revision are only applicable when the Competent Authority shall pass an order. Here in the present case it transpires that on the application, filed by the petitioner, no order has been passed under Section 5 of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 [Bihar Act 2010] till date.

8. As such, this writ petition is allowed with the direction to the petitioner to file a fresh application under

Section 5 of the Bihar Agriculture Land (Conversion for Non-Agriculture Purposes) Act, 2010 [Bihar Act 2010] before the Competent Authority and the Competent Authority is hereby directed to pass a reasoned and speaking order within 60 days from the date of filing of the application.

9. With the aforesaid direction, this writ petition is hereby disposed off.

(Dr. Anshuman, J.)

Ashishsingh/-

AFR/NAFR	NAFR
CAV DATE	18.09.2023
Uploading Date	NA
Transmission Date	NA