IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20257 of 2014

==

Sri Ajay Kumar son of Sri Deo Nandan Prasad Singh, resident of village- Sarmera, P.O.P.S.- Sarmera, District- Nalanda

... ... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda
3. The Sub-Divisional Magistrate, Biharsharif
4. The Circle Officer, Sarmera, Nalanda

... ... Respondent/s

==

Appearance :

For the Petitioner/s	:	Mr.Bipin Kumar, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, G.P.-2
		Mr. Asit Kumar Jha, AC to GP-2

==

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 18-08-2025 Heard Mr. Bipin Kumar, learned counsel for the petitioner and the learned AC to GP-2.

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

> *(i) for issuance of an appropriate writ/ writs, order/orders, direction/directions in the nature of certiorari for setting aside the order dated 12.08.2014 (contained in Annexure-8) passed in Misc case no. 19/2013 by the Court of District Magistrate, Nalanda whereby and whereunder the learned District Magistrate, Nalanda has*

affirmed the order dated 6.11.2012 passed in Case no 9/12 by the Sub Divisional Magistrate, Biharsharif (Nalanda) and the District Magistrate, Nalanda has been pleased and held that the petitioner to deposit Rs. 270000/-through Challan and further directed to deposit yearly rent of land 10 times i.e. Rs. 292.80.;

(ii) for issuance of appropriate writ/ writs in the nature of certiorari for setting aside the order dated 6.11.2012 passed in case no. 09/2012 issued by learned Sub-Divisional Magistrate, Biharsharif (Nalanda);

(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.

3. Pursuant to the order passed on 30.06.2025, the State has come forward with supplementary counter affidavit duly signed by the Additional Chief Secretary, Revenue and Land Department, Government of Bihar, Patna.

4. The sum and substance of the aforesaid counter affidavit is that now the State Government has come up with

Bihar Agriculture Land (Conversion for non-Agriculture Purpose) Act, 2010 duly enacted and published in the official gazette on 16.04.2010 (Bihar Act 11 of 2010) in which section 3 deals with the land use conversion in the State of Bihar.

5. Further, para-14 records that pursuant to concerns an amendment has been proposed by the Government in the Bihar Agriculture Land (Conversion for Non-Agriculture Purpose) (Amendment)Bill, 2025 in which section 4(1) of the Act, 2010 has to be substituted as follows:

> *"with effect from the date of this Amending Act, every occupier or owner shall have to pay a conversion fee as determined by the Government from time to time for such areas."*

6. This has been passed by both the houses and is currently awaiting the assent of His Excellency, the Government of Bihar.

7. Learned counsel for the petitioner has taken this Court to Annexure-R/2 in which para-3 records the same as has been incorporated in the counter affidavit.

8. Learned counsel for the petitioner submits that

these changes are being made pursuant to the order passed by the Division Bench in **C.W.J.C. No. 7002 of 2012** (**Anjani Kumar Prasad Singh Vs. the State**) and **C.W.J.C. No. 3061 of 2013** (**Ranjan Kumar vs. The State of Bihar)**.

9. This Court records the concluding part of the Division Bench order in **C.W.J.C. No. 7002 of 2012 Anjani Kumar Prasad Singh** (supra) which read as follows:

> *"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"*

10. In view of the fact that two orders have come to be passed and the State themselves have taken decision to amend, following two aforesaid orders starting with **Anjani Kumar Prasad Singh** (supra), the present writ petition also stands disposed of in the same terms.

(Rajiv Roy, J)

Ravi/-

U			