

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4154 of 2019**

Sulochana Mandal W/o Late Raghunandan Mandal Res. of Pathargama, P.S. Pathargama, Distt.- Godda (Jharkhand), presently residing at Tilkamanjhi, P.S.- Tilkamanjhi, Distt.- Bhagalpur ( Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar and Ors Through Chief Secretary, Govt. of Bihar, Patna.
2. The Minicipal Commissioner Bhagalpur Municipal Corporation, Bhagalpur.
3. The District Magistrate Bhagalpur.
4. The Sub Divisional Officer Sadar, Bhagalpur.

... .. Respondent/s

**Appearance :**

|                      |   |                                |
|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr. Rajesh Ranjan, Adv.        |
|                      | : | Mr. Saurabh Raj, Adv.          |
|                      | : | Mr. Ravi Prakash Dwivedi, Adv. |
| For the Respondent/s | : | Mr. Kinkar Kumar (Sc9)         |
|                      | : | Ms. Sushmita Sharma, Ac to Sc9 |
| For the BMC          | : | Mr. Lalit Kishore, Sr. Adv.    |
|                      | : | Mr. Manish Kumar, Adv.         |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

16    24-04-2026                      1. The present writ application has been filed for a direction to the respondent not to dispossess the petitioner from her hotel in the name and style of Rimjhim Hotel, Bhagalpur, and to quash the Letter No. 659 dated 23.02.2019 by which the petitioner has been asked to vacate the hotel premises by 02.03.2019 else she would be forcefully evicted.

2. The brief facts of the case is Bhagalpur Municipal Corporation (hereinafter referred to as the “BMC”) entered into a lease agreement with the petitioner for a piece of land which was extended in the year 2000 for three years and thereafter it has not been renewed. On 02.08.2018, the SDO requested the



BMC for removal of encroachment on the road Crossing through Tilkamanjhi Chauraha as it was causing traffic jam. Permanent Standing Committee of the BMC took a decision for widening of the road after removal of shops of the BMC on 13.08.2018. Mayor wrote to the Commissoiner for removal of shops on 26.10.2018 for widening of roads under Smart City Programme in view of decision of Permanent Standing Committee. The notice, accordingly, was issued to the shopkeepers on 24.11.2018 and the petitioner submitted her reply. In the meeting held between the shopkeepers and the BMC on 26.11.2018, it was decided that the lease of the petitioner would not be renewed. Accordingly, on 23.02.2019, notice was issued for vacating the shop. On 04.03.2019, the Commissioner of the BMC informed the petitioner to place his case before him and in response thereto the petitioner appeared. On 06.03.2019, Commissioner passed an order to vacate the premises in public interest for widening of road and the order was communicated to the petitioner on 07.03.2019.

3. Mr. Rajesh Ranjan, learned counsel for the petitioner, argued that the petitioner was a lessee of BMC and her entry in the leased premises was not illegal. The lease was of the land upon which the petitioner has constructed the hotel



involving huge amount. The decision not to renew the lease does not entitle the BMC to vacate the leased premises without following the due process of law.

4. Referring to page 69 of the writ application i.e., R/9, learned counsel for the petitioner submits that Municipal Commissioner vide his letter dated 07.03.2019 has informed the petitioner that a sum of Rs. 685 per month would be paid to the petitioner from the date of construction of the hotel till the petitioner vacates the leased premises. An interim order was granted by this court on 07.03.2019 staying the Letter No. 659 dated 23.02.2019 issued by Municipal Corporation. Since then, the property in question is in possession of the petitioner.

5. Mr. Lalit Kishore, learned Senior Counsel for the BMC, argued that hotel is in the middle of tri-junction of the main town causing continuous traffic jam. In view of the fact that road widening was necessary in public interest, a meeting was held by the BMC along with the leaseholders, including the petitioner, for vacating the hotel premises for the purpose of road widening and the BMC also agreed to pay a sum of Rs. 685 per month from the date of construction of the hotel till the date it is vacated. However, in the meanwhile, a further development has taken place and Excise Department on 13.10.2020, raided



the hotel premises of the petitioner and recovered foreign liquor from the hotel. FIR was lodged and the hotel was sealed.

6. C.W.J.C. No. 6997 of 2021 was filed by the petitioner and the same was disposed with a direction to the authorities to take action at the earliest in accordance with law. A Misc. Excise Case No. 284/2020-21 was initiated for confiscation of the hotel premises and finally it was disposed on 28.08.2021 by which hotel in question was confiscated. After the date of confiscation, the entire property vests in the State as per Section 61 of the Bihar Prohibition and Excise Act, 2016.

7. No appeal in the knowledge of the respondent has been filed by the petitioner against the order of confiscation dated 18.08.2021 passed by the District Magistrate.

8. In reply, learned counsel for the petitioner submits that since petitioner is a lady, she is not aware as to whether the appeal has been filed against the order of confiscation passed by the District Magistrate or not.

9. Having heard learned counsel for the parties and taking into consideration the fact that, admittedly, the hotel premises has been confiscated under the statute and the order of confiscation has not been altered or set aside by any appellate authority, accordingly, this writ application is disposed with the



liberty to the petitioner to claim damages/compensation in case the confiscation order passed by the District Magistrate is set aside by the appropriate authority. The respondent shall be at liberty to take possession of the premises for the purpose of road widening.

10. With the aforesaid observation and liberty, the present writ application is disposed.

**(Anil Kumar Sinha, J)**

HarshPandey/-

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