

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1410 of 2026

Md. Alamgir S/o Late Md. Nezamuddin, R/o Miscot Ramna, Motihari, Post Office- Motihari 845401.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Old Secretariat, Patna 800015.
2. The District Magistrate, East Champaran, Motihari- 845401.
3. The Additional District Magistrate (Revenue), East Champaran, Motihari 845401.
4. The Deputy Collector (Land Reforms) (DCLR), Sadar, East Champaran, Motihari 845401.
5. The Executive Engineer, Building Division, Public Works Department, Motihari, District East Champaran 845401.
6. Smt. Nasreen Bano, D/o Late Md. Jahangir, W/o Md. Haseeb, R/o Mohalla Paithanpatti, Near Panch Madir Chowk, Motihari, East Champaran, Bihar 845401.
7. Md. Haseeb @ Haseeb Raza S/o Late Md. Hazik Siddiki, Aged about 52 years, R/o Mohalla Paithanpatti, Near Panch Madir Chowk, Motihari, East Champaran, Bihar - 845401.
8. Smt. Yashmin Bano, D/o Late Md. Jahangir, W/o Saud Khan, R/o Urdu Bazar, Turkmanpur, Opposite J.J. Hospital, Gorakhpur, Uttar Pradesh - 273005.
9. Smt. Nazneen Bano, D/o Late Md. Jahangir, W/o S.M. Moquimuddin @ Saif, R/o Nice Place, New Jail Road, Baduei Road near Turba College, Bhopal, Madhya Pradesh- 462036.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Noushad Khan, Advocate
For the Respondent/s : Mr.Alok Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2026 Heard Mr. Noudhad Khan, learned counsel

 appearing on behalf of the petitioner and Mr. Alok Ranjan,

 learned counsel for the State.

2. The petitioner in paragraph no. 1 of the present writ



petition has sought *inter alia* following relief(s), which is reproduced hereinafter:-

“(I) For issuance of a writ in the nature of certiorari for quashing the impugned order dated 23.01.2023 passed by the Additional District Magistrate, Motihari in Memo No.319/2022 .

(b) For issuance of a writ in the nature of certiorari for quashing the appellate order dated 09.06.2025 passed by the District Magistrate, Motihari in Appeal Case No.18/203.

(c) For issuance of a writ in the nature of mandamus commanding the respondents to restore the petitioner’s name in all Khas Mahal lease registers, revenue records and municipal records as co-leasee under Registered Lease Deed No.17109 dated 06.09.1993 in respect of Shop No.19 Khas Mahal, Motihari.

(d) For issuance of a writ in the nature of mandamus/prohibition restraining the respondent authorities from entertaining processing or granting any renewal, mutation, lease extension or correction of records in favour of respondent nos. 6-9 or any other person claiming through them in respect of Shop No.19 or the illegally amalgamated portion of shop no.18 during the pendency of the present writ petition.

(e) For any other relief or reliefs as this Hon’ble Court may deem fit and proper in the interests of justice.”

3. The Brief Facts of the Case are that a Shop No. 19, Khas Mahal, Motihari was jointly allotted to the petitioner and his elder brother, Late Md. Jahangir, under a registered Lease Deed No. 17109 dated 06.09.1993 for a period of 30 years commencing from 01.04.1993. The lease deed clearly records



both as joint lessees with equal rights. From 1993 to 2011, all Khas Mahal and municipal records consistently reflected their joint names. Around 2011, during the petitioner's temporary absence from Motihari, his name was illegally deleted from the Khas Mahal Register without notice, inquiry, or any lawful order, in violation of principles of natural justice. Upon representation, the Additional District Magistrate, Motihari, by Letter No. 507 dated 11.03.2013, confirmed that the lease had been jointly allotted and directed that both names be reflected in official records. After the death of Late Md. Jahangir on 13.07.2020, Respondent Nos. 6–9 allegedly took advantage of the illegal deletion of the petitioner's name and forcibly dispossessed him from Shop No. 19. They demolished the side boundary wall, encroached upon adjoining Government land (Shop No. 18), amalgamated it with Shop No. 19, and commenced commercial use. The petitioner filed a renewal application on 06.07.2022 seeking renewal of lease and restoration of his name. A physical inspection report dated 23.07.2022 and multiple subsequent revenue inquiry reports (2022–2023) consistently confirmed that the petitioner was the original joint lessee and deletion of his name was illegal and the Respondent Nos. 6–9 had encroached upon Government land.



Despite these findings, the Additional District Magistrate, by order dated 23.01.2023 (Case No. 319/2022), recognized Respondent Nos. 6–9 as successors of Shop No. 19, ignoring the petitioner's registered lease and inquiry reports. The Commissioner, Tirhut Division, in Appeal No. 104/2023 dated 02.05.2023, directed reconsideration in accordance with the Khas Mahal Manual. A subsequent DCLR inquiry report dated 07.11.2023 again confirmed the petitioner's joint leasehold rights and the illegality of encroachment. However, the District Magistrate, by order dated 09.06.2025 in Appeal Case No. 18/2023, mechanically affirmed the ADM's order without considering the lease deed or inquiry findings. The petitioner filed a statutory appeal before the Bihar Land Tribunal on 02.09.2025 (Token No. TMP/2025/1246), but due to vacancy in the office of the Chairman, the Tribunal remains non-functional, leaving the petitioner without an efficacious alternative remedy. The impugned actions of the respondent authorities in deleting the petitioner's name without notice, disregarding binding inquiry reports, and recognizing alleged encroachers as successors are arbitrary, illegal, and violative of Articles 14 and 300A of the Constitution of India.

4. Learned counsel appearing on behalf of the



petitioner submitted that the petitioner seeks to file a detailed application/representation before the District Magistrate-cum-Collector, East Champaran at Motihari in respect of his claim made in the present writ petition. Learned counsel further submits that the issues involved in the present case have already been settled by the Apex Court, however, he does not remember the said judgment of the Apex Court.

5. At this stage, Mr. Alok Ranjan, learned counsel appearing on behalf of the State submits that the issues as has been raised in the present writ petition by the petitioner has been settled in **2017(3) PLJR 662 (State of Bihar vs. Khas Mahal Citizen Welfare Society)**

6. Heard the parties.

7. Having considered the rival submissions made on behalf of the parties, I find that the petitioner, if so advised, may file a detail representation/application before the District Magistrate-cum-Collector, East Champaran at Motihari, who will call for the records relating to the land, in question, which is admittedly a *Khas Mahal* land and will see that the reliefs as prayed for in the present writ petition can be allowed in favour of the petitioner in the light of the judgment passed in **2017(3) PLJR 662 (State of Bihar vs. Khas Mahal Citizen Welfare**



Society). Learned Division Bench of this court in paragraph 2 of the said judgment has already held and observed as follows:-

“2. Taking shelter of a policy which came into force in the year 2011, namely, the Bihar Khas Mahal Policy, 2011, action was proposed to be taken against the Society and the Society and its members (lessee) approached this Court in the writ petition and in the writ petition it was found that the policy of 2011 will have prospective effect, will not apply and cannot be made applicable to any act of the Society and its members prior to coming into force of the policy and further holding that if any act has been undertaken contrary to the lease deed prior to forming of the policy, the State had right to proceed in the matter of cancellation of the lease deed in terms of the lease deed and to get the lease deed cancelled in accordance with law or to take recourse to the remedy of filing a suit for getting the transaction declared as null and void i.e. which took place prior to coming into force of the policy in question. Prima facie holding that the policy in question which came in the year 2011 cannot be used against the acts of the Society and its members which took place prior to coming into force of the policy, the writ petition has been allowed and liberty has been granted to the State Government to proceed in accordance with law for violation of the lease deed granted. In fact by the policy in question the State Government is trying to change the conditions of the lease, which according to learned Writ Court was not permissible”

8. The aforesaid judgment rendered by the learned Division Bench of this Court in the case of **Khas Mahal Citizen Welfare Society (supra)** has also been upheld by a judgment rendered by the Apex Court, **reported in 2019(1) PLJR 628 (SC)**.

9. In case, the dispute is between the petitioner and the respondents No.6 to 9, he may first issue notice to them and then proceed to decide the issue in accordance with law well



within a period of three months.

10. With the above observation/direction, the present writ petition stands disposed of.

(Purnendu Singh, J)

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