

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13762 of 2021

Sumeshwar Prasad son of Kapileshwar Prasad resident of Village- Gopalganj,
P.S.- Islampur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Nalanda, Biharsharif.
3. The Sub- Divisional Officer, Hilsa, Nalanda.
4. The Deputy Collector Land Reforms, Hilsa Nalanda.
5. The Circle Officer, Parbalpur Block, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhinay Raj, Advocate.
For the Respondent/s : Mr.Arif Daula Siddiqui, AC to SC-25.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 06-01-2026

Heard Mr. Abhinay Raj, learned counsel appearing on behalf of the petitioner and Mr. Arif Daula Siddiqui, 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:-

“1. That this writ application is being filed for issuance of an appropriate writ for quashing of order contained in Memo No. 130 dated 24.02.2020 issued by the Deputy Collector, Hilsa, Nalanda, whereby the application of the petitioner for conversion of his land from agricultural to non-agricultural use has been rejected. A further direction be issued calling upon the respondent to bring on record the order passed by the Sub-Divisional Officer, Hilsa, as referred to in the Memo No. 130 dated 24.02.2020 and the same be quashed.”



3. Mr. Abhinay Raj, learned counsel appearing on behalf of the petitioner submitted that the petitioner had made an application under Section 5 of the Bihar Agricultural Land (Conversion for Non-Agriculture Purposes) Act, 2010 (hereinafter referred to as “**Act, 2010**”) in requisite Form No.3 giving all the details before the competent authority notified under the Act, 2010 for conversion of his land from agricultural to non-agricultural purpose. Learned counsel submitted that from the order impugned dated 24.02.2020 as contained in Annexure-6 passed by the Deputy Collector Land Reforms, Hilsa, Nalanda (hereinafter referred to as “DCLR”), no reason has been assigned, why his application has been rejected. He points out that only ground of rejection is that if the land is converted for non-agricultural purpose, the same will create nuisance in the area. It is submitted that without any evidence or taking into consideration of any criminal activities or any report obtained from the local police on the basis of inquiry, the order cannot sustain. On these basis, learned counsel submitted that the order is required to be set aside and quashed having passed without application of mind.

4. *Per contra*, Mr. Arif Daula Siddiqui, learned counsel appearing on behalf of the State submitted that a



reasoned order has been passed as contained in Memo No. 130 dated 24.02.2020 by the DCLR assigning reason that the land for which the petitioner has made an application for conversion from agricultural to non-agricultural, he has taken the aforesaid land on lease and without consent or any application made by the original landholder, the DCLR has rightly rejected the application of the petitioner and as such the order is supported by the valid reasons and requires no interference by this Court.

5. Heard the parties.

6. The petitioner made an application before the competent authority for conversion of his lease hold land from agricultural to non-agricultural purpose on 23.07.2018 and finally the said application was disposed of by the DCLR vide reasoned order dated 24.02.2020 contained in Memo No. 130 rejecting the application of the petitioner on the ground that the petitioner is not the owner of the land rather he is the lessee. Petitioner has brought on record registered lease agreement dated 18.07.2018 duly executed by Shri Ravindra Sharma, the original landholder.

7. I have perused the terms and conditions of the lease agreement which don't grant any right to the petitioner to change the very nature of the land which has been leased out to



the petitioner nor the agreement binds the petitioner to make payment of the rent to the Revenue Authority on behalf of the lessor – the original landholder.

8. The Act, 2010 defines Occupier and Owner as under:

(j) **"Occupier"** includes

(i) any person for the time being paying or liable to pay the rent, or any portion of the rent, for the land or, for the structure constructed thereon;

(ii) a rent free occupant;

(k) **"Owner"** includes any person for the time being receiving or entitled to receive, whether on his own account, or as an agent, trustee, guardian, manager or receiver, for another person, or for any religious, educational or charitable purpose, rent or profits for the agriculture land or for the structure constructed on such land and includes the following to whom the land have been leased out by the State Government or the Central Government:

(i) A lessee, if the land has been leased out by the Government for any non- agriculture purpose deriving income therefrom.

(ii) a Local Authority, if the land is vested in the Local Authority and used for any non-agriculture purpose deriving income therefrom.

9. No doubt, the petitioner has applied for conversion of the agricultural land on the basis of him being the occupier arising out of the lease agreement, which binds him with the terms and conditions of the contract. The authority cannot change the nature of the land at the instance of the lessee, the petitioner of the present case.

10. In view of the clear differentiation between the occupier and the owner of the land, I am not inclined to interfere



with the order passed by the DCLR dated 24.02.2020, as contained in Memo No. 130 (Annexure-6).

11. If the petitioner intends to apply afresh, he may do so with the consent of the owner of the land.

12. The writ application, accordingly, stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.01.2026
Transmission Date	NA

