

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10568 of 1996

Sri Yugal Kishore Prasad, Mukhiya, Gram Panchayat Raj Maghra P.O. Maghra,
P.S. Deepnagar District Nalanda.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s Mr.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-02-2015

Shivaji Pandey, J

In the present case, prayer has been made for quashing the Notification contained in Memo No. 2378 dated 21st October 1994(Annexure-10) issued by the Deputy Secretary to the Government, Urban Development, Respondent no.3 and the Notification No. 2731 dated 21st June 1988 published in the Bihar Gazette Extra Ordinary (Annexure-1) and the District Gazette of Nalanda dated 15th July 1995 published by the respondent no.5 (Annexure-13) by which the respondents have excluded villages Devsarai and Chakhazian (Ramchandrapur) forming part of the newly constituted Biabani Gram Panchayat by notification no. 8220 dated 13th December 1991 issued by the Rural Development Department after bifurcating Maghra Gram Panchayat and to include in the Municipal area.

It appears from the record that certain villages have been excluded from Maghra Gram Panchayat were included in the Municipal area in exercise of power conferred under the Bihar and Orissa Municipal Act.

Counsel for the petitioner submits that he has no instruction to press this application and the Court is of the view that under the Bihar and Orissa

Municipal Act, the respondents have power to exclude certain villages and include them in the Municipality.

If area of the Municipality is extended people get better facility and benefit provided under the Municipal Act.

In such view of the matter there is no error in the action of the respondents in including certain portion of the G ram Panchayat and became part of the Municipality.

Accordingly, this petition is dismissed being infructuous.

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(Shivaji Pandey, J)