

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6444 of 2014

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1. Nirmala Devi, wife of Sri Anil Kumar Gupta, resident of Mohalla-Talimpur, Ward No. 14, P.O and P.S- Barh, District- Patna, Presently Members of Empowered Standing Committee, Barh Nagar Parishad, District- Patna.
 2. Sulekha Devi, wife of Sri Arbind Kumar, resident of Mohalla- Laheria Pokhar, Ward No. 24, P.O and P.S- Barh, District- Patna.
 3. Anupam Kumar, son of Late Ganga Prasad, resident of Mohalla-Bajitpur, Ward No. 03, P.O and P.S- Barh, District- Patna.
- Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna, District- Patna.
5. The Executive Officer, Barh Nagar Parishad, Barh, P.O and P.S- Barh, District- Patna.
6. Smt. Shakuntala Devi, wife of Sri Sanjay Kumar Singh, presently Chief Councilor of Barh Nagar Parishad, P.O and P.S Barh, District- Patna.
7. Sri Rajiv Kumar Singh @ Chunna Singh, son of not known, Presently Deputy Chief Councilor of Barh Nagar Parishad, P.O and P.S- Barh, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam
For the RespondentNo.5 : Mr. Partha Sarthy
For the Respondent No.7 : Mr. Tripurari Nath Ambastha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 04-05-2015

Learned counsel for the parties are present.

The petitioners complain of irregularity on the part of the Chief Councillor in not holding meeting of the Municipal body in tune with the provisions underlying section 48 of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') which casts an obligation on the Municipality to meet not less

than once in every month.

It is the complaint of the petitioners that the Chief Councillor, Barh Nagar Parishad has not been abiding by this mandatory requirement and has been holding meeting irregularly.

Although Mr. S.B.K. Manglam, learned counsel appearing for the petitioners seeks to draw strength from a representation filed by the petitioners before the Principal Secretary, Urban Development and Housing Department, Government of Bihar to espouse their contention of removal of Chief Councillor under section 25(5) of 'the Act' but in my opinion, the application present at Annexure-1 does not satisfy the statutory requirement for it neither contains any prayer nor the same is in a form of a statutory application. In the circumstances, the petitioners cannot complain of non-disposal thereof.

The writ petition is disposed of accordingly.

Should the petitioners prefer a statutory application making such complaint before the Principal Secretary as made herein, the same would be considered and disposed of by the Principal Secretary, Urban Development and Housing Department, Government of Bihar in accordance with law and

after opportunity of hearing to the petitioners as well as the Chief Councillor expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order.

(Jyoti Saran, J)

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