

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16496 of 2010

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Rajeev Kumar Singh, S/O Sri Raghunath Singh, R/O Moh Shyam Kutir,
Gyan Lok Marg, Brahmpura, P.S.Brahmpura, Distt-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Urban Development Department Government of Bihar,
Patna
3. The Municipal Commissioner, Muzaffarpur Municipal Corporation,
Muzaffarpur
4. The Executive Engineer, Muzaffarpur Municipal Corporation,
Muzaffarpur
5. The Assistant Engineer, Muzaffarpur Municipal Corporation,
Muzaffarpur
6. The Junior Engineer, Muzaffarpur Municipal Corporation, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. (Dr.)Amrendra Kumar No.- I

For the Respondent nos.1&2: Mr. Lala S.N.Rais, AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 08-04-2015 Heard learned counsel appearing on behalf of the petitioner as also learned AC to GP-6 appearing on behalf of the respondent nos.1 and 2. However, none appears on behalf of the respondent nos.3 to 6.

This matter was heard earlier on 01.10.2010 by a Bench of this Court. By the aforesaid order dated 01.10.2010, learned counsel appearing on behalf of the Muzaffarpur Municipal Corporation and its functionaries including the respondent nos.3 to 6 were directed to file counter affidavit with respect to the claims raised on behalf of the petitioner in the present writ petition. Unfortunately, despite passage of more than four and half years, the counter affidavit has not been filed by the Municipal Corporation, Muzaffarpur and its functionaries, i.e., respondent

nos.3 to 6.

In view of the nature of grievances/claims raised on behalf of the petitioner indicated in paragraph no.1 of the writ petition and detailed in the body of the writ petition, this Court is of the opinion that, instead of keeping the matter pending waiting counter affidavit from respondent nos.3 to 6, interest of justice shall be sub-served, if the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent no.3, i.e., the Municipal Commissioner, Muzaffarpur Municipal Corporation, raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed by the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent no.3 either himself or any other competent authority of the Municipal Corporation, Muzaffarpur shall be obliged to consider and decide the claims raised on behalf of the petitioner strictly in accordance with law by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such comprehensive representation by the petitioner.

If on consideration of the materials, the competent authority comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential orders shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and the same is left to be decided by the competent

authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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