

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16494 of 2014

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Kumar Abhishek son of Shukun Prasad, resident of Mohalla-Shivganj, P.S.
- Nawada, Arrah, District- Bhojpur at Arrah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, New Secretariat, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Bhojpur, District- Bhojpur at Arrah.
5. The Municipal Commissioner, Ara Municipal Corporation, Arrah,
District- Bhojpur at Arrah.
6. The Mayer/Chief Councillor, Ara Municipal Corporation, Arrah,
District - Bhojpur at Arrah.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the State-Respondent/s : Mr. Jawahar Pd. Karn, AAG-4

For the Respondent nos. 5 & 6 : Mr. Bishwa Bibhuti Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 22-12-2015 Heard Mr. Nityanand Mishra, learned counsel for the

petitioner and Mr. Siddarth Prasad, Assisting Counsel to AAG-4

for the State.

The petitioner prays for an appropriate direction to the
Divisional Commissioner to initiate proceedings against the
respondent Chief Councillor, Arrah Municipal Corporation,
District-Bhojpur in exercise of powers vested under Section 25(5)
of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the
Act').



I have heard learned counsel for the parties and I have perused the records. Although the petitioner seeks to rely on an application filed before the Commissioner pointing out several acts of irregularities on the part of the Chief Councillor but considering the amendment incorporated in 'the Act' vide Amendment Act 7 of 2011, whereby and whereunder the word 'Commissioner' as occurring in Section 25(5) of 'the Act' and at other places of 'the Act' stands substituted with the word 'Government', the prayer made by the petitioner seeking direction to the Commissioner is not sustainable. Should the petitioner be advised, he can file an appropriate application to such effect before the State Government and any such application so filed would be considered and disposed of in accordance with law.

With the observations aforementioned, the writ petition is disposed of.

(Jyoti Saran, J)

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