

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3261 of 2015

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1. Sunita Jain Wife of Pradip Lunia Resident of village and Post office -
Manikchand Road, P.S. Forbesganj, P.O. Forbesganj, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Urban Development & Housing Department, Government of Bihar, Patna
2. The Principal Secretary, Urban Development & Housing Department , Government of Bihar, Patna
3. The Deputy Secretary, Urban Development & Housing Department , Government of Bihar, Patna
4. Divisional Commissioner, Purnea Division, Purnea, District - Purnea (Bihar)
5. District Magistrate, Purnea, District - Purnea (Bihar)
6. Secretary to the Commissioner, Purnea Division, Purnea, District - Purnea (Bihar)
7. Executive officer, Nagar Parishad, Forbesganj
8. Veena Devi, Chief Councillor, Nagar Parishad, Forbesganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nikhil Kumar Agrawal, Adv.
Mr. Santosh Kumar Mishra, Adv.

For the Respondent/s : Mr. Bijay Kumar Pandey, A.C. to S.C.5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 01-09-2015 Heard Mr. Nikhil Kumar Agrawal, learned counsel for the
petitioner and learned counsel for the State.

The petitioner is the member of the Nagar Parishad, Forbesganj in the district of Araria and complains against large scale irregularities allegedly committed by the Ex-Chief Councillor of the Nagar Parishad who has been arraigned as respondent No.8 herein. Although the writ petition was filed with the twin prayer for initiation of enquiry into alleged irregularities



committed by the respondent No.8 as well as for drawing proceedings against her under Section 25(5) of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') but while the matter remained pending before this Court that the respondent No.8 has voluntarily resigned from the post of Chief Councillor and thus the matter as it rests today is that the prayer No.2 requiring for drawing a proceedings under Section 25(5) of 'the Act' has been rendered infructuous.

Mr. Agrawal canvassing the case of the petitioner yet submits that notwithstanding the resignation by the Chief Councillor, the irregularities so committed by her continues to exist and which would require an appropriate exercise for its verification. With reference to a representation filed before the Principal Secretary, a copy of which is present at Annexure-5, he submits that the attention of the Principal Secretary, Urban Development Department was drawn by the members of the Nagar Parishad as back as on 15.11.2012 and was also acted upon when a report so called for, was submitted by the Executive Officer of the Nagar Parishad on 2.9.2013 elaborately discussing the irregularities so complained by the petitioner but the matter has not been taken to its logical conclusion.

Having heard the parties and taking into consideration that

the petitioner has already represented before the Principal Secretary, Urban Development Department in respect of grievance raised herein, this Court deems it fit and proper to dispose of the writ petition with the direction to the Principal Secretary, Urban Development Department to consider the grievance raised by the petitioner and the members of that Nagar Parishad as reflected from the representation dated 15.11.2012 present at Annexure-5 in the backdrop of the report so submitted by the Executive Officer and dispose of the same in accordance with law but only after giving an opportunity of hearing to the petitioner and respondent No.8 the Ex-Chief Councillor.

Considering the nature of grievance raised herein, an expeditious disposal preferably within six months from the date of receipt/production of a copy of this order would be appreciated.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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