

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1414 of 2012

IN

Civil Writ Jurisdiction Case No. 2154 of 2012

- =====
1. Birendra Chaubey S/O Late Kamala Chaubey R/O Village-Saraya, P.S. And P.O.- Kateya, District- Gopalganj
 2. Pitambar Yadav S/O Late Sitaram Yadav Resident Of Village-Bhaluhin Dayaram, P.S.- Kateya, District- Gopalganj
 3. Babulal Turha S/O Late Sahati Turha Resident Of Village-Dhanauti, P.S. Kateya, District- Gopalganj

.... Appellant/s

Versus

1. The State of Bihar, Through Chief Secretary Govt. Of Bihar, Patna
2. The Commissioner, Saran Division At Chapra
3. The District Magistrate, Gopalganj
4. Prabhunath Tiwari S/O Sri Shiv Prasad Tiwari R/O Village Ranipur, P.S. Kateya, District- Gopalganj

.... Respondent/s

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Appearance :

For the Appellants : Mr. Satyendra Rai, Advocate
Mr. Dinesh, Advocate

For the Respondents : Mr. Prabhakar Tekriwal, G.A. - 1

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 17-04-2015

Learned counsel for the appellants challenged
before the learned Single Judge in the writ proceedings the
Notification issued by the Government on 08.05.2001,
whereunder Kateya Gram Panchayat was notified and

included into Nagar Panchayat under the provisions of Bihar Municipal Act, 2007.

The learned Single Judge did not entertain the writ petition on the ground that the challenge to the Notification of the year 2001 was being made for the first time in the year 2012. Such a belated challenge, especially in respect of formation of local self-government, was not entertained and, in our view, rightly so.

In the twelve years passage, the entire administrative set-up is rearranged and municipal elections have been twice held. All that cannot now be set at naught. The learned Single Judge did not commit any wrong in dismissing the writ petition. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

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