

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3040 of 2016

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Shri Singh, Son of Lali Singh, Resident of Village-Mosimpur, P.S.-
Khusrupur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar,
Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing
Department, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Patna.
5. The District Magistrate, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Adv.

Mr. Raj Kumar, Adv.

For the Respondent/s : Mr. P.K. Verma, AAG-5

Mr. Saroj Kumar Sharma, AC to AAG-5

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH)**

Date : 02-03-2016



The present application, under Article 226 of the Constitution of India, in the nature of Public Interest Litigation, has been filed seeking a direction to the respondents to declare Hardasbigha, Baikathpur and Sukarbeg Chak Gram Panchayats, under Block Khusrupur of Patna district, as Nagar Panchayats in accordance with the provisions contained in Section 4 (1) of the Bihar Municipal Act, 2007 (***hereinafter referred to as the 'Act'***).

2. We have heard Mr. Dinu Kumar, learned Counsel, appearing on behalf of the petitioner, and Mr. P.K. Verma, learned Additional Advocate General No.5, appearing on behalf of the respondents-State of Bihar.

3. It is the contention of the petitioner that by virtue of the existing population, the said Gram Panchayats fulfills requisite criteria for being declared as a Nagar Panchayat under the said provisions of Section 4 (1) of the Act.

4. A counter affidavit has been filed, on behalf of the respondents-State of Bihar, stating therein that exercise for declaring a Gram Panchayat as a Nagar Panchayat, which fulfil the condition in terms of population, as contemplated under Section 4 (1) of the Act, has



already begun. It has also been stated that the Principal Secretary, Urban Development & Housing Department, Government of Bihar, Patna, *vide* its letter, dated 04.01.2016, and subsequent reminders, dated 25.01.2016 and 19.02.2016, has requested all the District Magistrates of the State to send proposals for constitution of Nagar Panchayats, out of such Gram Panchayats, which fulfill the criteria under the law.

5. Mr. P.K. Verma, learned Additional Advocate General No.5, appearing on behalf of the respondents-State of Bihar, submits that till date the Department has not received responses from the District Magistrates as required by the Department. He further submits that the exercise will gain momentum once the local body elections are held, which are scheduled to be held in the months of March and April, 2016.

6. Considering the facts and circumstances of the case and the stand taken on behalf of the respondents-State of Bihar, we dispose of this application with a direction to the respondents to complete the exercise of declaration of Nagar Panchayat out of such Gram Panchayats, in the State of Bihar, which fulfil the essential criteria of being declared as Nagar Panchayats, within a

period of six months from the date of receipt/production of a copy of this judgment.

7. It goes without saying that the petitioner shall have the liberty to approach this Court again, at any subsequent stage, to raise any grievance, which he may have in connection with the issues involved in the present case, by making appropriate application in accordance with law.

8. The present proceeding, thus, stands closed.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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