

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2260 of 2016

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1. RAVI SHANKAR KUMAR, S/o- Kapildeo Kumar, resident of village + P.O- Harnaraina, P.S.- Sikarganj, District- East Champaran, Mukhiya of Panchayat Raj - Pachpakari.
 2. SUNITA DEVI, W/o- Shri Sanjeev Kumar, resident of Village + P.O.- Barka Balua, P.S.-Patahi, District- East Champaran, Mukhiya of Panchayat Raj- Balua Julfikarwad.
 3. NEELAM KUMARI DEVI, W/o- Mr. Rajeev Ranjan Pandey, resident of Village + P.O.- Damodarpur, P.S.- Pipra, District- East Champaran, Mukhiya of Panchayat Raj- Harpur, Block- Chakiya.
 4. KIRAN DEVI, W/o- Shri Ravi Shankar Baitha, resident of Village + P.O- Khartari (East), P.S.- Sikarganj, District- East Champaran, Mukhiya of Panchayat Raj- Khartari (East).
 5. SHAIL DEVI, W/o- Shri Rameshwar Singh, resident of Village + P.O- Khartari, P.S.- Sikarganj, District- East Champaran, Mukhiya of Panchayat Raj- Khartari.
 6. JEEVAM KHATOON, W/o- Fakruddin, resident of Village+ P.O.- Semra Sagardina, P.S.- Chiraiya, District- East Champaran, Mukhiya of Panchayat Raj- Semra Sagardina.
 7. SHEEMA DEVI, W/o- Shri Kaushal Kishore Singh, resident of Village+ P.O- Ruphara, P.S.- Sikarganj, District- East Champaran, Mukhiya of Panchayat Raj- Ruphara.
 8. SHIV SAH, S/o- Shri Dinesh Sah, resident of Village- Bela Ghat, P.O- Sagardina, P.S.- Sikarganj, District- East Champaran, Mukhiya of Panchayat Raj- Haraj Nasrullah.
 9. SMT. RUBEDA KHATOON, W/o- Md. Nasim Akhatr, resident of Village + P.O + P.S.- Sikarganj, Block- Chiraiya District- East Champaran, Member of Panchayat Samiti- Chiraiya, elected member of Panchayat Raj- Sirauna.
 10. PRAMOD KUMAR, S/o- Late Durga Ram, resident of Village + P.O.- Parewa, P.S.- Sikarganj, District- East Champaran, Elected Member of Panchayat Raj- Parewa.
 11. RAM PRABHA DEVI, W/o- Shri Indrajeet Singh, resident of Village- Chamahi, P.O- Kapoorpakari, P.S.- Sikarganj, District- East Champaran, Mukhiya of Panchayat Raj- Chamahi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The Commissioner, Panchayati Raj Department, Govt. of Bihar, Patna.
5. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
6. The District Magistrate, East Champaran, Motihari.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. S.P. Srivastava, Advocate
Mr. Amit Bhushan, Advocate
For the State E.C. : Mr. Amit Shrivastava, Advocate
Mr. Girish Pandey, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG-5
Mr. Saroj Sharma, A.C. to AAG-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

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04-02-2016

Heard the parties.

The petitioner wants a transition of the Panchayat areas in question from Gram Panchayat to Nagar Panchayat. The provision relevant for the purpose is present in Section 3 of the Bihar Municipal Act, 2007 and it is for the authority under the Urban Development and Housing Department to consider such issue.

According to Mr. Shri Prakash Shrivastava, the Panchayats named in paragraph-1 of the writ petition fulfil the requirements for its transition to a Nagar Panchayat under Section 3 of the Bihar Municipal Act. Even when Mr. Shrivastava relies upon an Advisory issued by the Principal Secretary, Urban Development and Housing Department dated 04.1.2016 present at Annexure-1, without waiting for a response by the District Magistrate concerned that the petitioner has rushed to this Court.

An exercise under Section 3 of the Bihar Municipal Act has its complexities and a number of aspects need to be gone

into by the authorities of the Urban Development and Housing Department and whether the statutory requirement for approving a transition into a Nagar Panchayat stands satisfied. Such exercise cannot be carried out in a hurried manner as expected by the petitioner. Let the authorities concerned take appropriate steps in terms of the Advisory as contained in Annexure-1, failing which the petitioner would be at liberty to represent before the Principal Secretary, Department of Urban Development and Housing together with supportive details.

The writ petition is disposed of.

(Jyoti Saran, J)

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