

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4187 of 2016

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Brahmanand Jha S/o Late Anirudh Jha, resident of village-Bangaon, P.S.
Bangaon, District-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna
3. The Commissioner, Kosi Division, Saharsa, District-Saharsa
4. The District Magistrate, Saharsa, District-Saharsa
5. The State Election Commission through its Secretary, Patna

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate

For the Respondent/s : Mr. Prashant Pratap, G.P.-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 01-03-2016

Heard the parties.

The grievance of the petitioner is that although Gram Panchayat Raj Bangaon, North as well as Gram Panchayat Raj Bangaon, South both falling in Block-Bangaon in the District of Saharsa have a population of more than 12,000 and although there is an advisory issued by the Principal Secretary, Urban Development and Housing Department issued on 04.1.2016 to all District Magistrates to consider the issue of translating these Gram Panchayats into Nagar Panchayats by following the provisions of the Bihar Municipal Act, 2007 (hereinafter referred to as 'the Act') but no steps has been taken.

The argument of Mr. Subodh Kumar Jha appearing for

the petitioner is contested by Mr. Prashant Pratap, learned G.P.-6 as well as Mr. Girish Pandey, appearing for the State Election Commission placing reliance of the provisions of Section 3(1) of 'the Act' and to submit that it is not simply on account of population that such transition is to take place rather the other factors have to be considered as well.

Be that as it may, taking note of the advisory issued by the Principal Secretary dated 04.1.2016 present at Annexure-2, this writ petition is disposed of with liberty to the petitioner to represent the District Magistrate, Saharsa along with supporting facts and figures and any such representation filed by the petitioner would be considered and disposed of by the District Magistrate, Saharsa in accordance with law and after giving an opportunity of hearing to the petitioner preferably within three months of its filing.

(Jyoti Saran, J)

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