

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15409 of 2017

Dev Kumar

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashish Kumar Lal, Advocate
For the Respondent/s : Mr. Yogendra Prasad Sinha - AAG 7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2017

This application in public interest has been filed with a prayer that a mandamus be issued to the respondents to declare or upgrade Teghra Nagar Panchayat of district Begusarai into Teghra Nagar Parishad/Medium Urban Area under Section 4(1) of Bihar Municipal Act, 2007.

Even though various grounds are raised to say that the petitioner is entitled to the said benefit based on the census of 2011 and various other statutory provisions, but we are of the considered view that for the purpose of upgradation of a Nagar Panchayat, a writ petition in public interest is not a proper remedy and this Court cannot issue any mandamus.



Even though learned counsel for the petitioner relies on a judgment of this Court in the case of Shri Singh vs. The State of Bihar & Ors., (C.W.J.C. No.3040 of 2016) to say that upgradation can be permissible, but we are of the considered view that these are all legislative functions and a Writ Court cannot issue mandamus in this regard. As upgradation or declaration of a Nagar Panchayat as Nagar Parishad is a legislative and administrative function of the State Government, we are not inclined to make indulgence into the matter. However, petitioner may represent to the competent authority and it would be for the competent authority to consider and take a decision in the matter.

With the aforesaid, this application is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	8.11.2017
Transmission Date	

