

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2132 of 2015
IN
Civil Writ Jurisdiction Case No. 12493 of 2013**

=====

1. The Chairman, Nagar Panchayat, Thakurganj, District Kishanganj
..... Appellant/s

Versus

1. The State of Bihar through the Collector, Kishanganj
2. The District Board through the Chief Executive Officer, Kishanganj
3. The Deputy Development Commissioner Cum the Chief Executive officer,
Kishanganj
4. The Nagar Panchayat through the Block Development officer - Cum - Executive
Officer, Thakurganj, Kishanganj
5. The Circle Officer, Thakurganj, Kishanganj
6. Niranjana Mantri S/o Late Durga Prasad Mantri R/o Mantri BHawan, Opposite
Police Station P.S. Thakurganj, District - Kishanganj
..... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bindhyachal Singh
For the Respondent/s : Mr H. P.Singh, Sr. Advocate
Mr Satish Kumar Sinha
Mr AC to AAG 15

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-05-2017

Heard counsel for the appellant and counsel for the respondents.

The argument is only being made for the argument sake for the reason that the learned Single Judge after considering the history of the litigation, the so-called compromise, which had been entered between the District Board and the private respondent and the Nagar Panchayat being successor in interest of the District Board,



which had been given due recommendation and seal of judicial approval in an earlier Division Bench decision, the decision of the learned Single Judge to quash the second notice, which was issued on 05.07.2013 by the Nagar Panchayat, that too without proper opportunity of hearing, was absolutely correct decision in law.

The Court fails to understand as to what is resistance for on behalf of Nagar Panchayat in giving an opportunity of hearing to the private respondent and taking a decision in accordance with law or even without law. The ball is now in the court of Nagar Panchayat. Nothing more is required to be done so far as the appeal is concerned.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.5.2017
Transmission Date	NA

