

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.54 of 2016
IN
Civil Writ Jurisdiction Case No. 13944 of 2013**

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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. Gopal Kumar Jain S/o Late Bhawarlal Jain and Late Shanti Devi Jain, R/o Ganesh Bhawan, Near Gandhi Maidan, P.O. and P.S. - Thakurganj, District - Kishanganj.
..... Respondent/s

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Appearance :

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

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**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



fact that the Nagar Panchayat being successor in interest of the District Board has an obligation to honour. The compromise had also been given seal of judicial approval earlier by a Division Bench. In this background, 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 the 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)

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