

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6369 of 2017

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1. Usha Devi, Wife of Basant Kumar, Resident of Village- Lalpati, Post- Baghla, Gram Panchayat- Babhangawa, Police Station + Block- Triveniganj, District- Supaul, at present Mukhiya of Gram Panchayat Babhangawa.
 2. Ajit Kumar, Son of Sri Kapleshwar Yadav, resident of Village + P.O.- Baljora, under Gram Panchayat- Thalaha Garhia South, Police Station + Block- Triveniganj, District- Supaul, at present Mukhiya of Gram Panchayat- Thalaha Garhia South.
 3. Vijendra Yadav, Son of Sri Mahadeo Yadav, resident of Village- Latauna North Post- Latauna, Gram Panchayat Latauna North, Police Station + Block- Triveniganj District- Supaul at present Mukhiya of Gram Panchayat Latauna North.
 4. Sanjay Kumar Das, Son of Sri Deo Narayan Das, Resident of Village- Bisanpur Daparkha, Post + Gram Panchayat- Daparkha, Police Station + Block- Triveniganj, District- Supaul, at present Mukhiya of Gram Panchayat- Daparkha.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Department of Urban Development and Housing, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.
4. The District Magistrate, Supaul.
5. The District Panchayat Raj Officer, Supaul.
6. The Deputy Collector Land Reforms, Triveniganj, District- Supaul.
7. The Sub-Divisional Officer Triveniganj, District- Supaul.
8. The Block Development Officer, Triveniganj, District- Supaul.
9. The Circel Officer, Triveniganj, District- Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Roy, Advocate
For the State	:	Mr. Subhash Prasad Singh, G.A. 3

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-10-2017

Heard learned counsel for the petitioners and the

State.

2. The petitioners have moved the Court for the

following reliefs:



“That this is an application for issuance of an appropriate writ order direction for quashing the notification issued vide memo no. 2727 dated 13.04.2017 under the signature of respondent no. 2 has published the draft order under Section 1 (i) (C) of Section 3 of the Bihar Municipal Act, 2007 for creation of Nagar Panchayat Triveniganj for information and to file objection/suggestion the area of villages namely Babhangawa Part, Thalaha Garhia Part, Latauna Part and Daparkha Part from the Gram Panchayat without exercising the provision made under proviso to Sub-Section 1 of Section 11 of the Bihar Panchayat Raj Act, 2006 prior consultation with the Gram Panchayat concern for inclusion or exclusion from any Gram Panchayat area any village or part and further without going in detail to the census of population of 2011 of those areas published in the impugned notification having more than 75% of the Rural Population engaged in agricultural activities but giving the wrong figure the said notification has been issued for creation of Triveni Nagar Panchayat resulting the loss of the post of the Mukhiya of the petitioners as prescribed under section 151 of the Panchayat Raj Act, 2006”.

3. In terms of the order dated 13.09.2017, the Principal Secretary, Urban Development and Housing Department, Government of Bihar as well as the District Magistrate, Supaul are present in Court.

4. The reason why the Court required the presence



of the officer was that from the official records itself it transpired that figures were shown which were self contradictory. Today, a categorical stand taken by the Officers themselves before the Court is that there are some discrepancies in the figure for which it has been decided that the notification of draft publication with regard to constitution of Triveniganj Nagar Panchayat dated 13.04.2017 shall be kept in abeyance and in the meantime a report has also been called from the District Authorities which shall be thoroughly scrutinized before fresh draft is published. The District Magistrate, Supaul has assured that all the statutory requirements prior to sending the recommendation to the State Government shall be followed.

5. In view of the categorical assurance given to the Court, as recorded above, the writ petition stands disposed off.

6. However, the Court would indicate that in such matters, time is also of essence and thus, the matter be not kept pending indefinitely. The Court hopes and trusts that the issue shall be finally settled expeditiously and latest within a period of three months from today.

7. The personal appearance of the Officers stands dispensed with.

8. With a view to ensure that the draft publication



which has already been published does not come in the way of fresh steps to be taken, and which has now been kept in abeyance by the Department itself, it is appropriate that the same be set aside and accordingly it is so done.

(Ahsanuddin Amanullah, J.)

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