

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1274 of 2017

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Kalawati Soni, Wife of Shri S.K. Soni @ Sushil Kumar Soni, Resident of Ward
No.- 10, Fajalganj, P.O. + P.S.- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

The Executive Officer, Nagar Parishad, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Mr. Ranjan Kumar Srivastava, Ms. Rajni Gandha and Mr. Girish Pandey, Advocates
For the Nagar Parishad Sasaram	:	Mr. Vijay Shankar Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 16-08-2017

Heard learned counsel for the petitioner and the
respondent.

2. The petitioner has moved the Court for the
following reliefs:

*“i. Issuance of an appropriate writ or writs
in the nature of certiorari quashing the order vide
Letter no. 4015 dated 31.12.2016 (Annexure-14)
passed by Respondent i.e. executive officer, Nagar
Parishad, Shasaram which is passed in an arbitrary
and illegal manner and without considering the show
cause and without supplying the relevant document to
the petitioner which is complete violation of Natural
Justice.*

*ii. Issuance of direction to stay the order
passed by Respondent through Letter no. 4015 dated
31.12.2016 (Annexure-14) till the final adjudication
of the present case.*

*iii. Grant such other order/orders,
direction/directions, relief/reliefs to which the
petitioner may found entitled in the facts and*



circumstances of this case.”

3. In the order dated 06.02.2017, the Court had observed:

“Learned counsel for the petitioner submitted that initially a notice was given to her to close the window on one side and later on by another notice a vague statement was made that she was constructing house in violation of the sanctioned plan for which one lakh rupees was also fixed as penalty. He submitted that a reply was filed but without considering either the reply or holding any spot verification, the order impugned was passed. Learned counsel has taken a categorical stand that no construction has been made by her and the house in which she is living is in the same condition as was bought by her in the year 2010 and only renovation work has been done.”

4. Though a counter affidavit has been filed on behalf of the respondent but there is absolutely no denial whatsoever with regard to the categorical stand that there has been no spot verification in the presence of the petitioner or his reply has been considered, along with the documents enclosed thereto.

5. In view of the aforesaid, without going into the merits, on the short point of there being violation of the principles of natural justice, the impugned order dated 31.12.2016 stands set aside.

6. The petitioner shall appear before the respondent on 4th September, 2017, along with a copy of this order when a date



shall be fixed for spot inspection/ verification in the presence of the parties. Thereafter, after giving an opportunity of hearing to the petitioner and considering all materials produced by him, a reasoned order shall be passed. The exercise be completed within one month from the inspection being held.

7. The writ petition stands allowed in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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