

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11726 of 2016

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Kanhaiya Kumar, son of Sri Jagdish Rai, Resident of village - Sokhara, P.S.
Phulwaria, District - Begusarai

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar.
2. The Joint Secretary, Urban Development and Housing Department, Government of Bihar.
3. The District Magistrate, Begusarai
4. The Sub - Divisional Officer, Teghra Sub Division, Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Respondent/s : Mr. Partha Sarthi, GA-11

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 24-07-2018

The instant writ petition has been filed by the petitioner for a direction to the respondent authorities to finalize the process of constitution of Barauni Municipality in the light of report submitted by the District Magistrate, Begusarai vide his letter No.870 dated 14.05.2016 by which he has submitted the information of Sub Divisional Magistrate, Teghra about constitution of Barauni Municipality and other required documents.



2. The contention of the petitioner is that though the District Magistrate, Begusarai has sent his proposal on 14.05.2016 to the Principal Secretary, Urban Development Department, Government of Bihar but the same is still pending with the respondents and no action has been taken on that so far.

3. A counter affidavit has been filed on behalf of respondent-State in which it has been stated that the proposal of the District Magistrate, Begusarai regarding constitution of Barauni Nagar Parishad was examined at the departmental level and after finding certain defects in the proposal, the Principal Secretary, Urban Development & Housing Department, Bihar vide his letter No.5552 dated 22.08.2016 had directed the District Magistrate, Begusarai to send a fresh proposal after removal of the defects as has been pointed out in the said letter. It is further pleaded that from the perusal of the letter dated 5552 dated 22.08.2016, it would be evident that altogether four defects have been pointed out in the proposal in question, firstly, in the proposed municipal body total population has been shown to be 71,660/-, in which four villages namely, Phulwaria, Sokhara, Bara and Nipania Madhurapur have been mentioned, but how much of the population of the villages are included has not been mentioned, secondly, supporting evidence regarding population based on non-agriculture has not been annexed,



thirdly, the relevant map of the proposed Nagar Parishad has not been available and lastly, the recommendation of the District Magistrate, Begusarai on the proposal in question is also not available.

4. It has been submitted by the learned counsel for the State that till date the defects pointed out have not been removed and the matter is still under consideration.

5. Having regard to the facts and circumstances of the case, this Court is of the opinion that the petitioner has rushed to this Court prematurely under writ jurisdiction for the relief prayed for in the instant writ application. A final decision regarding constitution of Barauni Nagar Parishad is yet to be taken by the State and the proposal is still being examined.

6. In that view of the matter, I see no merit in this application. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.07.2018
Transmission Date	NA

