

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13398 of 2017

Meena Devi Wife of Sunil Kumar Resident of Mohalla- New Area, Yamuna
Path Nawada, P.S. Nawada town, District- Nawada.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Urban Development Department , Bihar, Patna.
3. The District Magistrate, Nawada.
4. The Sub-Divisional Officer, Nawada Sadar, District- Nawada.
5. The Circle Officer, Nawada Sadar Anchal, District- Nawada.
6. The Executive Officer, Nagar Parishad, Nawada.
7. The S.H.O. Nawada Town Police Station, District- Nawada.

... .. Respondents

Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the State	:	Mr. Rakesh Ambastha, AC to AAG-07
For Nagar Parishad, Nawada:		Ms. Sushmita Mishra, Advocate
		Mr. Surya Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 20-02-2019

The Executive Officer, Nagar Parishad, Nawada cannot be allowed to sit over the matter after issuance of a show cause notice to the person who is in the midway of construction of his house. The records of this case reveal that vide Annexure-5 dated 19.06.2017, the Executive Officer, Nagar Parishad, Nawada issued a show cause notice to the petitioner and while doing so, he asked the petitioner to stop the ongoing construction work of the house. The show cause notice seems to have been issued on the basis of a report submitted by one Junior Engineer. The petitioner has already



submitted her reply to the said show cause notice vide Annexure-6 to the Writ Application as back as on 06.07.2017 followed by reminder contained in Annexure-7 to the Writ Application. One year eight months have gone thereafter but the matter is still pending, as a result whereof, the petitioner is unable to proceed with the work. The contention is that the building materials of the petitioner are lying under open sky and are wasting there.

In the given facts and circumstances of the case, Ms. Sushmita Mishra, learned counsel representing the Nagar Parishad, Nawada submits that the Executive Officer, Nagar Parishad, Nawada may be directed to pass a reasoned order on the reply of the petitioner within a period of six weeks from today.

In view of the aforesaid, the Executive Officer, Nagar Parishad, Nawada is directed to look into the matter, consider Annexure-6 & 7 to the writ application and after giving an opportunity of hearing to the petitioner pass a reasoned order in accordance with law within a period of six weeks from today.



It is made clear that due to inaction of public authority leading to delay in decision making if any loss is caused to a person it will be open for that person to take appropriate steps to claim damages from the authority who fails to act in terms of the statute. This is the mandate of the Hon’ble Supreme Court in several judicial pronouncements.

This Writ Application stands disposed of with the aforesaid observations and directions.

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	23.02.2019
Transmission Date	

