

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1117 of 2018

In

Civil Writ Jurisdiction Case No.3685 of 2004

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Syed Naushadun Nabi son of Late Syed Fakhrun Nabi, resident of Mohalla - Garhper, P.S. - Biharsharif and District - Nalanda.

... .. Appellant

Versus

1. The State of Bihar
2. The Barh Municipality through the Chairman Barh, Municipality Barh and District Patna.
3. The Executive Officer, Barh Municipality, Barh and District - Patna.
4. Seem Nizami wife of Syed Badi Ashgar, resident of Mohalla - Salimpur, Ward No. 9, P.O. and P.S. and Town - Barh and District - Patna.
5. Surji Devi wife of Ram Parvesh Sao, resident of Mohalla - Walipur, P.O., P.S. and Town - Barh and District - Patna.
6. Rabiya Khatoon widow of late Amin Ahmad
7. Shamim Ahmad
8. Samin Ahmad
9. Firoj Ahmad sons of Late Amin Ahmad
10. Nilofar daughter of late Amin Ahmad, All residents of Mohalla - Salimpur, Ward No. 12 (Old Ward No. 03), P.O.+ P.S. - Barh, Patna.
11. Syed Fakher Ahsan son of Syed Rayaj Ahsan, R/o Mohalla - Salempur, Ward No. 21/10, P.O.+ P.S. - Barh, Patna.

... .. Respondents

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Appearance :

For the Appellant/s : Mr.Mohammed Abu Haidar, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 27-02-2020

I.A. No. 6018 of 2018

In view of the prayer made in the application for grant of leave and the grounds urged therein, I.A. No. 6018 of



2018 is allowed.

L.P.A. No. 1117 of 2018

This appeal is directed against the order/judgment dated 22.04.2016 passed by the learned Single Judge of this Court in C.W.J.C. No. 3685 of 2004 (Rabiya Khatoon and Ors vs. The State of Bihar and Ors) whereby the learned Single Judge has been pleased to allow the writ petition and set-aside the order dated 12.12.2003 passed by the respondent-Executive Officer, Barh.

Considering the nature of grievance raised in the appeal, we are of the considered view that it would be appropriate if the appellant were to first approach the respondent authorities by way of filing representation.

The present appeal is, accordingly, disposed of reserving liberty to the appellant to file appropriate representation before the appropriate authority within a period of four weeks. If such a representation is filed by the appellant within the time stipulated, the authorities are directed to consider the same and dispose it of expeditiously and preferably within a period of three months thereafter. Needless to say that while considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the



parties.

If aggrieved by the said order, the petitioner/appellant shall have liberty to approach this Court by way of separate petition, if so required and desired.

With the aforesaid observations, this appeal is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ved/-

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