

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11599 of 2021

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Ajay Kumar Singh Son of Lalan Prasad Singh resident of Laxmipur, Ward No. 4, Raxaul, P.S. Raxaul, District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna.
2. Municipal Council Raxaul through its Executive Officer.
3. The Executive Officer, Nagar Parishad, Raxaul.
4. The Chairman, Municipal Council, Raxaul, East Champaran.
5. The Collector, East Champaran, Motihari.
6. The Sub- Divisional Officer, Raxaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajan Mr. Rajnish Shandilya Mr. Sanjay Kumar Tiwari, Advocates
For the Respondent/s	:	Mr.Subhash Prasad Singh (Ga 3) M/s Sanjay Kumar Singh Devi Das Srivastava, Uma Kant Prasad, Advocates

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 02-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

(I) To direct respondents State for exercising its general power of Direction and Control as contemplated under Chapter VIII of the Bihar Municipal Act,2017 (hereinafter referred to as the Act,2007) as to direct the Executive Officer of Raxaul Municipal Council for

passing necessary order in terms of Section 345 and 346 of the Act-2007, for prohibition of unlicensed activities i.e. trade of butcher, fish-monger, poulterer and importer of flesh intended for human food without municipal licence, and for not to carry on such business activities other than specified place under the licence issued by the competent authority.

(II) To direct 'the Executive Officer, Municipal Council, Raxaul for passing necessary order/directions and taking steps under the law for prohibition of unlicensed activities within the Municipal area i.e. trade of butcher, fish-monger, poulterer and importer of flesh intended for human food on any land and building other than the specified place under the Municipal licence.

(III) To direct the respondent no.2 to specify the market place and establish a separate market within the Municipal area for sale of fish, flesh and poultry within the Raxaul Municipal Council.

(IV) To direct the respondent no.2 as to make compliance of the order/instructions/directions of the Urban Development Department, Government of Bihar, Patna.

(V) Any other relief(s) which may deem fit and proper in the facts and circumstances of the case.”

In view of the submissions made in the counter affidavit particularly in paragraph no.3(iv) and 11 that the Empowered Standing Committee unanimously passed resolution dated 21.12.2019 for purchasing of land for construction of slaughter house in Raxaul area and for good health and better environment, notices were already issued to

the shopkeepers for removal of shops of fish, flesh, poultry etc.
as well as for construction of a separate shops for the same, this
writ petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2021
Transmission Date	NA