

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11183 of 2021

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Arun Kumar Jha Son of Late Dayanand Jha, Resident of Village - Belhwar,
P.S.- Raj Nagar, District - Madhubani.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary of the Urban Development and Housing Department, Government of Bihar, Patna.
2. The Principal Secretary of the Urban Development and Housing Department, Government of Bihar, Patna.
3. The Joint Secretary of the Government, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Principal Secretary of the Panchayati Raj Department, Government of Bihar, Patna.
5. The District Magistrate, Madhubani.
6. The Executive Officer of the Nagar Nigam, Madhubani.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Subhash Kumar Jha, Advocate
For the Respondent State: Mr. Kumar Alok, SC-7

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 17-12-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

2. The petitioner is seeking a direction to the respondents to consider inclusion of the entire area of Ward No. 11, 12 and 13 of the Gram Panchayat Raj Raghuni Dehat as well as Gram Panchayat Raj Mangarauni North within the municipal area of Nagar Nigam, Madhubani, notified vide notification No.1516 dated 26.03.2021. The petitioner claims to be resident



of Gram Panchayat Raghuni Dehat, authorized to file this writ application in representative capacity on behalf of the residents of various wards of the aforesaid two Gram Panchayats.

3. Learned counsel appearing on behalf of the petitioner has drawn our attention to the representations made by the inhabitants of the concerned Gram Panchayats in this regard and the fact that even the District Magistrate of the concerned district had partly sustained the objections raised by them.

4. In our view, the petitioner has not been able to make out a case of infringement of any statutory provision in non-inclusion of the wards in question in the Nagar Nigam in question. Section 5 of the Bihar Municipal Act, 2007, enables any inhabitant of a city, town or Nagar Panchayat in respect of which a notification has been published under Section 4 of the Act to object to anything contained in the notification and submit his objection in writing to the State Government within one month from the date of its publication. The petitioner is admittedly not an inhabitant of the city, town or Nagar Panchayat in respect of which notification under Section 4 of the Act was issued. The petitioner did not have any right to raise objection in respect of constitution of Nagar Nigam in question.



On the basis that the areas of the wards in question are adjacent to the area, which has been notified as Nagar Nigam cannot be a legally enforceable ground for inclusion of the said area in Nagar Nigam.

5. This application, in our opinion, is totally misconceived and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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