

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15189 of 2021

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Shiv Kumar Singh, Son of Late Sudama Singh, Resident of Village-Mala,
P.O. Gurukul Mehiyan, Police Station-Chapra Mufassil, District-Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar,
Patna.
4. The Joint Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
5. The District Magistrate, Chapra.
6. The District Panchayati Raj Officer, Chapra.
7. The Municipal Commissioner, Municipal Corporation, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Gyan Prakash, Advocate
For the Respondent/s	:	Mr. Abbas Haider (S.C.-6)
		Mr. Ravish Chandra, A.C. to S.C. 6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 16-11-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“I. For issuance of an appropriate writ/writs,
order, direction commanding the respondent
authorities of Urban Development and Housing
Department, Bihar, Patna to take all necessary
initiatives for extension of area of Chapra Municipal
Corporation in pursuance of the amended proposal

sent by the District Magistrate, Saran, Chapra vide letter No.583 dated 15.3.2021 as per requirement asked by the Urban Development and Housing Department, Bihar, Patna in pursuance of observation made by this Hon'ble Court in C.W.J.C. No. 4149 of 2017 dated 21.4.2017. "However, the court would like to clarify the position, that it is always open to the Government to add fresh areas to the Chapra Municipal Corporation, after following the due process of law".

II. For holding that when as per the direction of the Urban Development and Housing Department, Bihar, Patna amendment made in proposal after thorough enquiry and considering objections amended proposal has been sent alongwith Cheque list and Google Map, the authorities of the Urban Development and Housing Department, Bihar, Patna are under legal obligation to add those areas within the Chapra Municipal Corporation which fulfill the criterias, so that inhabitants of those areas may avail the various beneficial schemes of the governments for their better living.

III. For holding that the inhabitant of those area finally included the amended proposal dated 15.3.2001 in intended area of Chapra Municipal Corporation have a legitimate expectation to be part and parcel of Municipal Corporation and derive better civil life and facilities of Urban Standard.

IV. For holding that large area proposed to be included in extended area of Chapra Municipal

Corporation though fulfill all criteria and leading urban life but are not paying the revenue rent to Municipal Corporation which a huge loss of revenue to the State Exchequer.

V. For any other reliefs for which the petitioner found entitled to in the facts of the case.”

It is submitted by the counsel for the petitioner that the Urban Development and Housing Department, Government of Bihar, Patna vide letter dated 14.05.2020 and 20.05.2020 directed the District Magistrate to send proposal for up-gradation/extension of Urban Local Bodies.

In response to said letters, District Magistrate, Chapra send the proposal/amended proposal for extension of Chapra Municipal Corporation to include those areas, which fulfill the criteria for their inclusion as a part of Chapra Municipal Corporation vide letter No. 958 dated 30.05.2020 and letter no. 583 dated 15.03.2021.

As such, the writ petition is disposed of with direction to the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna to consider the proposal, as sent by the District Magistrate, Chapra for inclusion of the area in question in the Chapra Municipal Corporation within 30 days from the date of receipt/production of a copy of

this order. It is made clear that this Court has not expressed any opinion on the merit of the case and all issues of the facts and law are left open and to be decided by the Principal Secretary, Urban Development Department, Government of Bihar in accordance with law after hearing all the concerned parties.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/PKP-

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