

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.959 of 2022**

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1. Manju Devi, W/o- Shri Ganesh Rajvanshi, resident of Village- Nai Pokhar, P.O. and P.S.- Rajgir, District- Nalanda, Pin- 803116.
  2. Soni Anand, W/o- Shri Sandeep Anand, resident of Village- Belaua Nawada, P.O.- Nahub, P.S.- Rajgir, District- Nalanda, Pin- 803116.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The Dy. Secretary to the Govt., Urban Development Department, Govt. of Bihar, Patna.
5. The District Magistrate-cum- District Election Officer (Panchayat), Nalanda, Bihar Sharif.
6. The Block Development Officer-cum- Returning Officer, Block- Rajgir, District- Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate  
For the Respondent/s : Mr. Kinkar Kumar (SC-9)

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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)**

3      16-02-2022                      The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner in the present writ application has



put to challenge a notification dated 28.12.2021, issued by Urban Development and Housing Department, Government of Bihar declaring its intention to alter the area of Nagar Parishad, Rajgir with inclusion of some Gram Panchayats, under Section 4 of Bihar Municipal Act, 2007 (for short 'the Act').

The petitioner No. 1 is Mukhiya of Gram Panchayat Nai Pokhar in the district of Nalanda and petitioner No. 2 is Mukhiya of Nahub Gram Panchayat of the same district. The said two Gram Panchayats are also proposed to be included in Nagar Parishad, Rajgir. It is evident from the said notification dated 28.12.2021 that objections have been invited under Section 5 of the Act in relation to the proposal or inclusion of the Gram Panchayats.

There is no clue as to whether the petitioners have filed their objections under Section 5 of the Act or not.

Mr. Shri Prakash Srivastava, learned counsel for the petitioner has submitted that the petitioners took oath of the office of the Mukhiya of respective Gram Panchayats on 29.12.2021 and they have a right to hold the post for a complete term of five years, in terms of Section 14(1) of



Bihar Panchayat Raj Act, 2006. He submits that if the proposal to include the Gram Panchayats takes its final shape with the publication of notification under Section 6 of the Act, their tenure shall stand shortened in violation of statutory provision. He has submitted that earlier also a notification was issued on 26.12.2020 under Section 4 of the Act, declaring the State Government's intention to include some Gram Panchayats in which the said two Gram Panchayats were proposed to be included. The State Government, however, did not come out with final notification and fresh notification has been issued, one year thereafter, without any justification.

The presumptive submission made on behalf of the petitioners that the impugned notification requires interference because any final decision taken thereon would infringe their legal right to continue as Mukhiya of the respective Gram Panchayats is untenable. In any view of the matter, the final notification is yet to be published. We have already noted hereinabove that it is not clear from the averments made in the writ petition as to whether the petitioners have made any objection under Section 5 of the Act against proposal of the State Government to include the



Gram Panchayats within the said Rajgir Nagar Parishad.

In our considered view this application is  
misconceived and premature, which is accordingly  
dismissed.

**(Chakradhari Sharan Singh, J)**

**( Madhuresh Prasad, J)**

Rajesh/-

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