

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1263 of 2022

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Sunil Kumar Singh Son of Late Jayantri Singh Resident of Village - Jamua,
P.O. - Karup, P.s. - Karakat (654), District- Rohtas (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Governor.
2. The Principle Secretary Rural Development Department, Government of Bihar, Patna.
3. The Joint Secretary Urban Development Department, Government of Bihar, Patna.
4. The District Magistrate, Rohtas.
5. The District Development Officer, Rohtas.
6. The Officer District Development Wing, Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Dipak, Adv
For the Respondent/s : Mr.Anjani Kumar (AAG4)
Mr. Amit Kumar Jha AC to AAG4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 11-02-2022

Heard learned counsel for the parties.

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

“(i) For issuance of an appropriate writ/writs directing the respondents to exclude the Village Jamua, P.S. No. 654, District Rohtas at Sasaram from the Notification dated 26.12.2020 issued by the Respondents for creating of Municipal Area under Section 3 and 4 of Bihar Municipal Act, 2007 as village Jamua is not come under the required criteria for adding within the Municipal Area.

(ii) For directing the Respondent Authority to decide the objection village by the villagers of Jamua village under Section 5 of the Bihar Municipal Act, 2007 before constitution of Municipal Area as the consideration by the District Magistrate is perverse and the same was

prepared without giving an opportunity of hearing of the villagers.

(iii) For directing the respondent authority to take proper step or proper consideration while deciding the objection on the facts raised by the villagers regarding agricultural area of village which is more than the prescribed agricultural area for constitution of Municipal Area.

(iv) For setting aside the report dated 01.02.2021 prepared by District Magistrate, Rohtas on the objection filed by the villagers as the same is table work and has prepared without examining the real fact as well as without giving an opportunity of hearing of the objections filed by the villagers.”

After the matter was heard for some time, finding the Bench not to be agreeable with the submissions made by learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the **respondent no. 3 Joint Secretary Urban Development Department, Govt of Bihar, Patna**, to consider and decide the representation which the petitioner shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2022
Transmission Date	NA