

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2367 of 2022

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Pramod Kumar Singh Son of Late Ram Pravesh Singh, Resident of Mohalla -
Lakhibagh, P.S.- Masaurhi, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate cum Collector, Patna.
4. The Executive Officer, Masaurhi Nagar Parishad, Masaurhi, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Choudhary, Advocate
For the Respondent/s : Mr. Subhash Prasad Singh (GA 3)

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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)

- 2 28-02-2022 The petitioner is a resident of Lakhibagh, Masaurhi in the district of Patna as is evident from the cause title of the writ application. Learned counsel appearing on behalf of the petitioner, however, submits that petitioner is resident of village Koriyawan. The petitioner has a grievance that the said village is not proposed to be included within the proposed *Nagar Parishad*, Masaurhi; a declaration of intention in respect of which has been issued by the Urban Development and Housing Department, Government of Bihar in its notification dated



26.12.2020, under Section 4 of the Bihar Municipal Act, 2007 ('the Act' for short). A copy of the said notification dated 26.12.2020 has been brought on record by way of Annexure-1 to the writ application. The petitioner, invoking writ jurisdiction of this Court is seeking a direction to the respondent State of Bihar to include the said village within the municipal area of *Nagar Parishad*, Masaurhi.

Learned counsel for the petitioner has submitted that as the said village fulfills all the conditions for being included with said *Nagar Parishad*, as stipulated in the first *proviso* to Section 3(1) of Act, the State Government ought to have included it within *Nagar Parishad*, Masaurhi.

In our opinion, the claim of the petitioner is completely misplaced for more than one reason. Firstly, the petitioner's contention that since 50 to 70 per cent of total population of the said village is involved in non-agricultural work and, therefore, it should become part of an urban area, is untenable. The first *proviso* to Section 3 (1) of the Act refers to population of the urban area/transitional area to be determining factor for its constitution and not population of a village or a *Panchayat*. Secondly, it is purely a policy decision of the State Government to declare any area as an 'urban area', exclude an



area from an urban area or include an area within an urban area or alter the limits of urban area, in accordance with the provisions under the Bihar Municipal Act. This Court, exercising writ jurisdiction is not required to entertain the plea of including any area within the municipal area. Lastly, there is no pleading in the writ petition that the petitioner is a resident of village Koriyawan to establish his locus standi to maintain this application.

This application is, thus, devoid of any merit and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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