

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5466 of 2015

Malti Devi, wife of Ashok Gupta, resident of Village- Nayagaon, Post Office-
Nayaganj, Gram Panchayat- Nayagaon West, Police Station- Desri, Block-
Sahdai Bujurg, Sub- division-Mahnar, District- Vaishali at Hajipur.

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Vaishali at Hajipur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The District Fisheries Officer, Vaishali at Hajipur.
5. The Block Development officer, Sahdei Bujurg, District- Vaishali at Hajipur.
6. The Anchal Adhikari Sahdei Bujurg, District- Vaishali at Hajipur.
7. The Fisheries Extension Supervisor Vaishali at Hajipur.
8. The Ramadhar Sahni son of Shiv Charan Sahni resident of village-
Shekhopur, Block- Sahdei Bujurg, District- Vaishali at Hajipur.
9. Munna Sahni son of Jogi Sahni resident of Gram Panchayat- Rasulpur
Habib, BVlock Desri, District- Vaishali at Hajipur.

... .. Respondents

Appearance :

For the Petitioner : Mr. Jitendra Kumar Roy, Advocate
For the Respondents : Mr. Subodh Kumar, A.C. to S.C.-26

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-12-2022 None appears for the petitioner.

Heard learned counsel for the State.

In this case, the petitioner is challenging the letter
no.1051 dated 02.07.2014 issued by the District Magistrate,
Vaishali at Hajipur addressed to the Block Development Officer,
Sahdei Bujurg, District-Vaishali at Hajipur as well as letter
contained in memo no.998 dated 04.07.2014 issued by the
Block Development Officer, Sahdei Bujurg, District-Vaishali at
Hajipur, by which the petitioner has been directed to file his
explanation on the allegation of illegal construction over the



land of the pond of Gram Panchayat.

The petitioner is the Mukhiya of Nayagaon West Gram Panchayat. On the basis of the letter of the District Magistrate, Vaishali at Hajipur, the Block Development Officer, Sahdei Bujurg, issued a show-cause to the petitioner to submit his explanation on the allegation of illegal construction over the land of the pond of Gram Panchayat.

The Supreme Court in the case of *Union of India & Another vs. Kunisetty Satyanarayana* reported in (2006) 12 SCC 28 has held that a mere charge-sheet or show-cause notice does not give rise to any cause of action because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so.

In such view of the matter, this writ petition is dismissed with an observation that the petitioner may file his explanation before the authority, who will consider the same and pass an appropriate order in accordance with law.

(Sandeep Kumar, J)

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