

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8861 of 2021

1. Upendra Kumar, aged about 37 years, Gender-Male, Son of Gulab Prasad, Resident of village Macharim, P.S. Bodhgaya, District - Gaya.
2. Sharvan Kumar, aged about 25 years, Gender-Male, S/o Dinesh Prasad, Resident of Village Macharim, P.S. Bodhgaya, District - Gaya.

... .. Petitioners

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Gaya.
5. The District Magistrate, Gaya, District Gaya.
6. The Sub-Divisional Magistrate, Sadar, Gaya.
7. The Executive Officer, Nagar Parisad, Bodhgaya.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Bibhuti Narayan, Adv.
For the Respondents	:	Mr. Subhash Prasad Singh GA-3 with Mr. Ghanshyam Sharma AC to GA-3
For the Respondent no.7 :	:	Mr. Ashok Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 03-03-2022 Following is the relief which the petitioners is seeking:-

“ (i) For quashing the order notification no. 1029 contained in Memo No. 1029 dt. 03.03.2021 (Annexure-5) whereby and whereunder without considering the objection filed U/s 5 of the Bihar Municipal Act, 2007 dt. 15.1.2021 and recommendation of the



respondent no.5 dt. 23.1.2021 (Annexure-4) by assigning any reasons the villages of the petitioners have been included in Nagar Parisad Bodhgaya.

(ii) For giving a direction to hold fresh enquiry regarding population status of petitioner villages of agriculture and non agriculture based on the basis of population status chart submitted by the petitioners dated 15.1.2021..”

2. Mr. Bibhuti Narayan, learned counsel appearing on behalf of the petitioners has not been able to demonstrate that there is any distinguishable feature in this case to take a different view than what has been taken by the Division Bench of this Court in case of ***Usha Devi and Ors. vs. The State of Bihar & Ors. in C.W.J.C. No.7446 of 2021.***

3. In such view of the matter, in the light of decision in case of ***Usha Devi*** (supra) this application is dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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