

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5881 of 2022

=====

Manoj Kumar Singh @ Manoj Kumar, son of Late Brahmdeo Narayan Singh,
resident of Ward No. 1 Nagar Panchayat-Pipra, Tola-Anandi Patti, P.O.-
Mahespur, P.S.-Pipra, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Urban Development, Government of Bihar, Patna.
3. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna.
4. The Divisional Commissioner, Koshi Division, Saharsa.
5. The District Magistrate-cum-District Collector-cum-District Officer-cum-District Election Officer, Supaul.
6. The Sub-Divisional Officer, Supaul, District-Supaul.
7. Block Development Officer, Pipra, District-Supaul.
8. The Circle Officer, Pipra, District-Supaul.
9. The State Election Commission, Bihar, Patna through its Chairman.
10. The Chairman, State Election Commission, Bihar, Patna.

... .. Respondent/s

=====

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s	:	Mr.Amrit Abhijat, Adv
For the Respondent/s	:	Mr.Subhash Prasad Singh (GA 3)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 24-06-2022

Heard learned counsel for the parties.

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

- i) To issue a writ in the nature of mandamus commanding/directing the Respondents in particular Respondent No.5, the District Officer, Supaul to act upon objections filed by villagers of four villages and re-constitute the wards of Nagar Panchayat in order to cause minimum inconvenience to villagers and also to keep identity of Tolas and also to ensure that no one has to walk more than one kilometer for casting their votes or to attend the general body meeting of Wards.
- ii) To issue a writ in the nature of mandamus commanding/directing the Respondent no. 2 to correct map of Ward no. 1 Anandi Patti and also in other wards as error has been committed by the Anchal Amin, as about 300 population of Ward no. 1 has been wrongly shown in the map of Ward no. 2 (however the figure of population i.e. 1670 is correct) Tola Makroy Ward No.2 causing mistake by separating 250 population of Tola Makroy and amalgamating it with ward No.3 Tola-Navtola, since there was no need to do this adventurism as population of Ward No.2 is only 1160 much below than 1757 upper limit fixed by the Government.

The issue raised in this writ petition with respect to de-limitation and reconstitution of Ward of Nagar Panchayat in order to upgrade the Gram Panchayat into Nagar Panchayat and hearing objections with respect to such re-constitution of Wards after its upgradation as Nagar Panchayat lies exclusively in domain of executive and such disputes cannot be adjudicated by this Court in its discretionary writ jurisdiction.

Accordingly, the present writ petition in the nature of PIL is dismissed.

However, dismissal of present writ petition will not preclude petitioner to raise such issues as raised in this writ petition before the appropriate forum under the Bihar Municipal Act-2007.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.07.2022
Transmission Date	NA