

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7155 of 2022

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Subhash Kumar S/o Sri Gopal Paswan, Resident of Village - Near Khadi
Bhandar, Naya Tola, ward No. 23, P.S.- Naugachia, District- Bhagalpur,
Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Urban Development Department Cum Housing
Bihar, Government of Bihar, Patna.
3. The Collector Cum District Magistrate Bhagalpur.
4. The District Panchayat Raj Officer, Bhagalpur, District - Bhagalpur, Bihar.
5. The Depute Development Commissioner Bhagalpur, District - Bhagalpur,
Bihar.
6. The Block Development Officer Naugachiya, District - Bhagalpur, Bihar.
7. The Block Panchayat Raj Officer, Naugachia, District - Bhagalpur, Bihar.
8. The Executive Officer Nagar Parishad Naugachia, District - Bhagalpur.
9. The District Stastical Officer, Bhagalpur, District - Bhagalpur, Bhihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Thakur, Advocate
For the Respondent/s : Mr.Yogendra Pd. Sinha (AAG-7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 24-06-2022

Heard learned counsel for the parties.

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

- I. For correction of Pradeshik Nirvachan-Kshetra(ward's Suchi) of newly constitution ward No-11, nagar parishad Naugachia in the column of Schedule cast(S.C).
- II. For correction in the total population of S.C in ward No-11(newly) old -5, which is shown as - 15 in place of 500-(op).
- III. For constitution of a committee for spot verification regarding the total number of population of S.C category in ward no.-11(New) of Nagar Parishad Naugachiya, which is indeed apx -500, on the basis of 2011 census 1+Self.
- IV. For any other relief(s) for which petitioner may found fit and proper either in the eye of law or among facts of the case.

The issue raised in this writ petition with respect to correction of territorial electoral area (Ward Suchi) and for declaration that newly constituted Ward No. 11 of Naugachia Nagar Parishad be reserved for scheduled caste as correct number of scheduled caste persons residing in such ward has not

been taken into account while upgrading Nagar Panchayat, Naugachia into Nagar Parishad, Naugachia in terms of Bihar Municipal Act, 2007 and hearing objections with respect to such re-constitution of Wards and its categorization after its upgradation as Nagar Parishad 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)

veena/rajiv-

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