

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11364 of 2021

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1. Rajiullah @ Munna Khan Son of Imadullah, Resident of Amauna, Bethnaha, P.S.-Jogbani, District-Araria, Bihar-8454316.
 2. Rajkumar Das, Son of Chanda Das, R/o Village-Amauna, ward no. 2, P.S.-Jogbani, District-Araria, Bihar-8454316.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Joint Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Principal Secretary, Panchayti Raj, Bihar, Patna.
4. The Under Secretary, Government of Bihar.
5. The Divisional Commissioner, Purnea.
6. The District Collector, Araria.
7. The District Panchayti Raj Officer, Araria.
8. The District Collector Land Reform, Forbesganj, Araria.
9. The Executive Officer, Nagar Panchayat Jogbani.
10. The Sub Divisional Officer, Forbesganj, Araria.
11. The Circle Officer, Forbesganj, Jogbani, Araria.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Niranjana Kumar, Advocate Mr. Kumar Kishan, Advocate
For the Respondents	:	Mr. Kinkar Kumar, SC-9 Ms. Deepika Sharma, AC to SC-9

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

6 29-03-2022 The petitioner has assailed the decision of the State Government under the provisions of the Bihar Municipal Act, 2007 ('the Act' for short) to constitute/declare certain



Panchayats as Nagar Parishad.

Mr. Niranjan Kumar, learned counsel appearing for the petitioner, at the very outset, submits that being faced with the Division Bench decision of this Court in the case of Usha Devi and Ors. Vs. State of Bihar and Ors. passed in CWJC No. 7446 of 2021, the limited issue that the petitioners wishes to canvass before this Court today, is based on the recommendation sent from the District Level Committee with respect to the proposal for declaring the area as a *Nagar Parishad*. Specific reliance is on Annexure-R/1-I to the supplementary counter affidavit. Referring to column-9 of the proposal for upgradation of the *Gram Panchayat*, it is submitted that village Amauna was considered. After due deliberation, the seven member District Level Committee headed by the District Magistrate, Araria had recommended that since it is on the other side of the river and the railway line; and is predominantly a rural area, it should not be included in the proposed urban area.

Bare perusal of Annexure-R/1-I, however, reveals a different situation altogether. The seven member committee has validated exclusion of part of Amauna and other villages which are situated on the other side of the river and railway line. But in respect of part of the areas proposed, it has been recorded by the



seven member committee that the railway station is situated in this area and that there is increasing urbanisation in the area of the village(s) proposed to be constituted as an urban area. Accordingly, in column 19 of the format, the seven member committee has recommended/approved the proposal, as per declaration of intention, by notification dated 26.12.2020 issued under Section 4 of the Act.

The Court has given consideration to the aforesaid submissions and examined the Annexure being relied upon by the petitioner. Clause-9 of the same is validating the decision to exclude certain villages lying on the other side of the river. However, in respect of the proposal for constituting a *Nagar Parishad* in respect of the villages notified under Section 4 (Annexure-1), the District Level Committee has in column-9 specifically recommended the proposal having regard to fulfillment of all the essential parameters under Section 3 and Section 7 of the Act.

Submission of the petitioners' counsel based on Clause-9 of the said recommendation that, it in any way, recommends non-exclusion of the parts of the villages of Mirganj, Nirpur or Amauna in respect of which the State Government had declared its intention to constitute a *Nagar*



Parishad is factually unsustainable.

In view of the aforesaid submission, this Court would observe that no case is made out for assailing the decision. This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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