

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12334 of 2021

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1. Sushil Kumr Son of Late Narmdeshwar Singh Resident of Village Khoraittha, Post Office and Police Station - Bikram, District- Patna.
 2. Priya Ranjan Kumar Son of Late Baleshwar Singh Resident of Village Ashapura, Gangachak Gram Panchayat, Post Office and Police Station - Bikram, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Urban Development and Housing Department, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principle Secretary, Urban Development and Housing Department, Government of Bihar, Old Secretariat, Patna.
4. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
5. The Joint Secretary, Urban Development and Housing Department, Old Secretariat, Patna.
6. The Commissioner, Patna Division, Patna, Bihar.
7. The District Magistrate Cum Collector, Patna.
8. The District Development Commissioner, Patna.
9. The Sub Divisional Officer, Paliganj, Patna.
10. The Block Development Officer, Bikram Block, District Patna.
11. The Circle Officer, Bikram Circle, District Patna.
12. The State Election Commission through the Secretary, Sone Bhawan, Third Floor, Birchand Patel Marg, Patna.
13. The Executive Officer, Nagar Parisad, Bikram, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Choudhary Shyam Nandan, Adv
For the Respondent/s	:	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 CHAKRADHARI SHARAN SINGH)



2 28-02-2022 The petitioners are seeking quashing of a notification dated 20.05.2009 issued by the Urban Development and Housing Department, Government of Bihar, under Section 6 of Bihar Municipal Act, 2007 (in short 'Act') whereby Nagar Panchayat *Bikram* has been constituted consisting of eight villages. Petitioners are inhabitants of the villages *Khoraitha* and *Ashapura Gangachak* in the District of Patna.

Learned counsel appearing on behalf of the petitioners assailing the impugned order has submitted that before issuance of the said notification dated 20.05.2009, no notification was issued under Section 4 of the Act, declaring the intention of the State Government to constitute the said Nagar Panchayat and, therefore, the inhabitants of the areas did not have any opportunity to raise any objection under Section 5 of the Act. He submits that there had thus been no occasion for the inhabitants to raise the objection nor the State Government to consider such objection.

Evidently this writ application has been filed more than 12 years after issuance of the impugned notification. On careful perusal of the pleading on record, we do not find any satisfactory explanation for delay of 12 years in challenging the notification.



Further, in the impugned notification, there is reference of a draft notification issued vide notification no. 133 dated 20.01.2009. The said notification has not been brought on the record.

Learned counsel for the petitioners submits that despite sincere efforts made by the petitioners, they could not obtain the said notification dated 20.01.2009.

On the sole ground that the petitioners have approached this Court 12 years after constitution of the Nagar Panchayat *Bikram* in 2009, we are not inclined to entertain this writ application in the absence of any cogent explanation given in the pleadings for such delay.

This writ application is accordingly dismissed on the ground of delay and laches.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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