

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3817 of 2021

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Niteshwar Nilmani Chaudhary S/o Bindeshwari Prasad Chaudhary, resident
of Dhaka Ramchandra, P.S. Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The Sub-Divisional Magistrate, Sikrahna, Dhaka, East Champaran.
5. The Executive Officer, Nagar Parishad, Dhaka, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar,Advocate
For the Respondent/s : Mr.Lalit Kishore,AG

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 21-09-2022 Though the present writ petition was filed for quashing the order dated 16.03.2020 passed by the Sub-Divisional Magistrate, Sikrahana, Dhaka, however, it has transpired during the course of hearing and upon perusal of the counter affidavit filed by the respondent no. 3 to 5 that no order has been passed holding the market complex/building constructed by the petitioner to be illegal and merely on the basis of a question raised in the Legislative Assembly, by one of the M.L.A., direction has been issued for demolition of the shopping complex of the petitioner, which is not only illegal but is also deprecated by this Court.

At this juncture, it has been pointed out by the learned counsel of the parties that the Municipal Council, Dhaka has already initiated a Vigilance Case No. 1B of 2020 and a notice to



the said effect has been issued vide letter dated 12.03.2020, by the Executive Officer, Municipal Council, Dhaka. It is also submitted by the learned counsel of the petitioner that the petitioner is participating in the said proceeding.

Having regard to the facts and circumstances, I deem it fit and proper to dispose off the present writ petition with a direction to the respondent-Municipal Council, Dhaka to take a final decision in the aforesaid Vigilance Case No. 1B of 2020, after complying with the principles of natural justice.

It is needless to state that in case the petitioner does not co-operate with the authorities in the aforesaid Vigilance Case No. 1B of 2020, the respondent-Municipal Council, Dhaka shall be at liberty to pass ex parte order.

Till the passing of the final order in the aforesaid Vigilance Case No. 1B of 2020, the aforesaid order dated 16.03.2020 shall remain in abeyance.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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