

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19148 of 2021

Narayan Singh S/o Jagdish Singh R/o Village- Sahidih, Patti Bargaon, Ward No. 03, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Joint Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.

... .. Respondents

Appearance :

For the Petitioner : Mr. Md. Harun Quareshi
For the Respondents : Mr. Kinkar Kumar (Sc9)
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)

3 07-03-2022 The petitioner has put to challenge a notification dated 03.03.2021, issued by the Urban Development and Housing Department, Government of Bihar, whereby Gram Panchayats Nauhatta (Purbi and Pachmi) have been converted into a Nagar Panchayat.

2. It is an admitted fact that after issuance of a declaration of intention to notify the said area as Nagar Panchayat, the petitioners had filed objection under Section 5 of



the Act, a copy of which has been brought on record by way of Annexure-3 to the writ application. The petitioner, one of the objectors, had raised an objection that 85% of the total population of the two Gram Panchayats are main cultivator workers and marginal cultivator workers and, therefore, the Gram Panchayat could not be converted into a Nagar Panchayat.

3. In our opinion, the said objection could not be said to be a valid objection with reference to the second proviso to sub-section (1) of Section 3 of the Act, which reads as under : -

“Provided further that the total population of main cultivator workers and marginal cultivator workers shall be below fifty percent of total population of workers in such area in all cases.”

4. The petitioner apparently did not raise any objection with reference to the second proviso to sub-section (1) of Section 3 of the Act to the effect that number of main cultivator workers and marginal cultivator workers taken together of the area was more than 50% of the total number of workers in the area. No objection with reference to Section 7 of the Act, which prescribes the requisite population for declaration of an area as a transitional urban area was raised, either.



5. In such view of the matter and the fact that the petitioner's challenge is squarely covered by a Division Bench decision of this Court in case of *Usha Devi and Others vs. The State of Bihar and Others* (C.W.J.C. No. 7446 of 2021 and other analogous matter, disposed of on 17.01.2022), we do not find any merit in this application, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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