

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19417 of 2021

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Messrs New Delhi Tent House Chauk Bazar, Munger through its proprietor Vivek Kumar Gupta, aged about 55 years (Male), son of Jageshwar Prasad, Resident of Purab Sarai Road, J.P. Chauk, P.S.-Kotwali, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The District Magistrate, Munger.
3. Municipal Commissioner, Nagar Nigam, Munger.
4. Deputy Municipal Commissioner, Nagar Nigam, Munger.
5. Executive Engineer, Bhawan Pramandal, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Prasad, Advocate
For the Respondent/s	:	Mr.Subhash Pd. Singh (GA-3)
		Mr. Ghanshyam Sharma, AC to GA-3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ 1. That the instant writ petition is being filed for issuance of appropriate writ for quashing of the order issued/passed by Municipal Commissioner, Nagar Nigam, Munger vide Memo No. 3440/Sa dated 24.11.2020 by which Messrs New Delhi Tent House Munger (Agency) has been black listed for further three years contained in Annexure-3 as well as for quashing of the letter / Memo No. 1896/Go., dated 20.11.2020 issued by the

District Magistrate, Munger to Municipal Commissioner, Nagar Nigam, Munger directing him to take step immediately for black-listing Messrs New Delhi Tent House, Munger (Agency) contained in Annexure-1.

Order dated 11.02.2022 stands complied with.

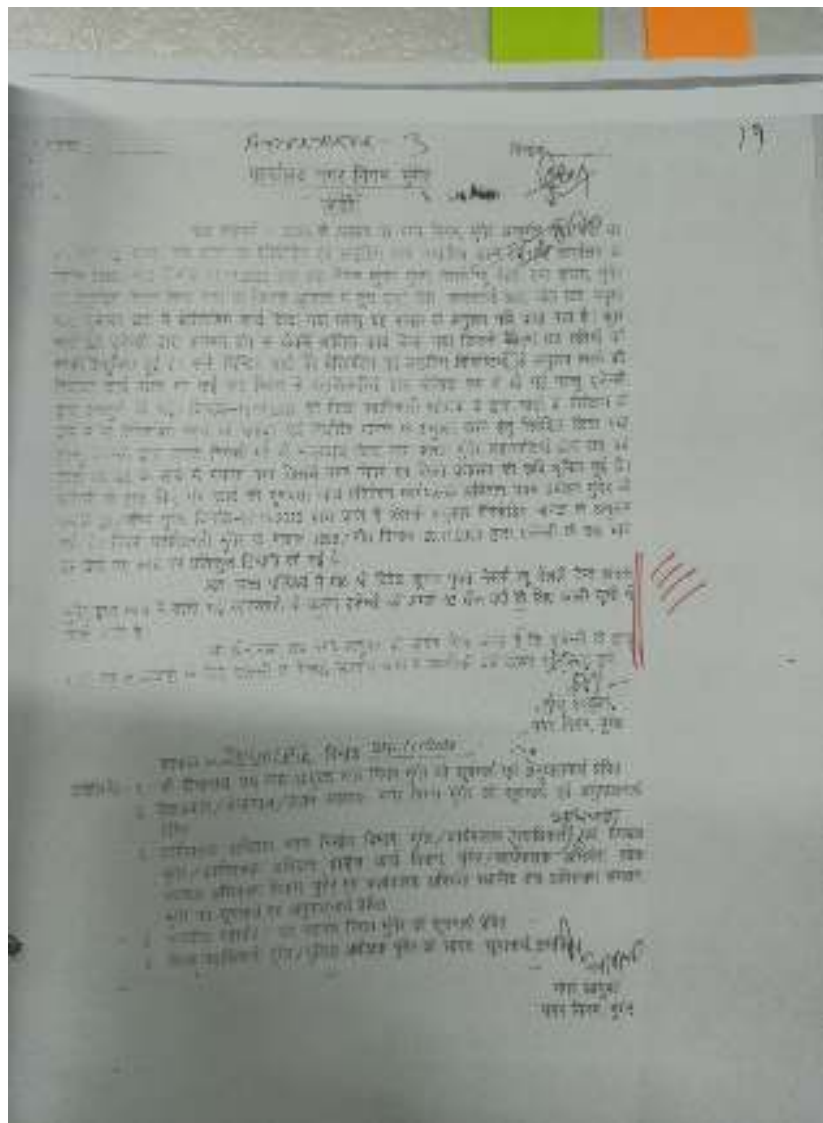
In view of the stand taken by the respondent Nos. 3 and 4, namely, Municipal Commissioner, Nagar Nigam, Munger and Deputy Municipal Commissioner, Nagar Nigam, Munger, which is evident from the affidavit dated 25.02.2022, filed by Shri Abadh Kishor Singh, City Manager, Nagar Nigam, Munger, relevant contents whereof is extracted hereinunder:-

“10. That it is most humbly summated that in pursuance of the letter/order dated 20.11.2020 passed by the District Magistrate, Munger; the Municipal Commissioner, Munger passed the order dated 24.11.2020 contained in memo no. 3440/Sa dated 24.11.2020 blacklisting the petitioner for further 3 years which the impugned order in the present writ petition. It is humbly submitted that the aforesaid order of blacklisting has been passed by the Municipal Commissioner in light of the order of the District Magistrate, Munger, however, no show cause was issued by the Municipal Commissioner Munger to the petitioner before passing the aforesaid order dated 24.11.2020 of blacklisting the petitioner for further 3 years.”

We quash and set aside the impugned order dated 24th of November 2020 (Annexure-3) whereby the petitioner stands blacklisted for a period of three years, as also the letter dated 20th of November, 2020 issued by the District Magistrate,

Munger to Municipal Commissioner, Nagar Nigam, Munger
(Annexure-1).

For ready reference, order dated 24th of November,
2020 is reproduced hereinunder:-



Evidently, no prior notice, calling upon the petitioner
to show cause, was ever issued.

As such, the writ petition is allowed reserving liberty

to the respondents to take appropriate action in accordance with law.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	