

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13989 of 2018

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Dilip Kumar Purvey Son of late Ram Narayan Purvey, Resident of Mohalla-
Maharajganj, Ward No. 13, PS and PO Madhubani Town, District Madhubani.

... .. Petitioner/s

Versus

1. The Nagar Parishad, Madhubani Through Its Executive Officer and Ors
2. The Chairman, Nagar Parishad, Madhubani.
3. The Executive Officer, Nagar Parishad, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanat Kumar Mishra, Advocate
For the Respondent/s : Mr.Purushottam Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 03-07-2023 Heard the parties.

By this writ petition, the petitioner craves indulgence
of this hon'ble court for issuance of

(A) a writ of *Certiorari* for setting aside ;

(i) the order contained in notice no. 26 dated 26/5/18
issued under signature of the respondent no. 3 stating *interalia*
that the petitioner has constructed house without sanction from
the Nagar Parishad and accordingly, the Empowered Standing
Committee of the Nagar Parishad has taken a decision dated
22/5/18 vide proposal no. 3 for cancelling the holding no. 361
which has been constructed on the encroached land;

(ii) the decision dated 22/5/18 taken by the
Empowered Standing Committee of the Nagar Parishad to



cancel the Holding number 361;

(iii) the notice dated 4/7/18 issued under signature of the respondent no. 3 directing the petitioner to vacate the aforesaid land failing which FIR would be lodged;

(B) issuance of a writ of Mandamus for directing and commanding the respondents to consider and pass the map filed by the petitioner for construction of the building over his land pertaining to C.S plot No. 3376 original Jamabandi No. 233/71 Mauza Suratganj Madhubani.

On 11.05.2023, the earlier Bench of this Court had granted four weeks time to the respondent counsel for filing counter affidavit on behalf of the Municipal Corporation, Madhubani.

Today, even after six weeks, on call, prayer has been made for adjourning the same so that the Municipal Corporation, Madhubani can file reply.

Considering the attitude, a cost of Rs. 5,000/- is imposed upon the Municipal Commissioner, Madhubani Municipal Corporation which is to be deposited to the Patna High Court Legal Services Committee within four weeks from today.

At this stage, learned counsel for the petitioner



submits that although the earlier representation failed to elicit any response, he will be satisfied if his representation is considered by the Municipal Commissioner, Madhubani Municipal Corporation and pass an order.

Learned counsel appearing on behalf of the Municipal Corporation, Madhubani submits that in case, he files fresh representation, the same shall be decided at an earliest.

Considering the aforesaid submissions put forward by the parties, the writ petition stands disposed of with a direction that if the petitioner prefers a detailed representation alongwith supporting documents within four weeks from today, the same shall be considered and an appropriate order shall be passed by the Municipal Commissioner, Madhubani Municipal Corporation within a period of three months thereafter.

(Rajiv Roy, J)

Jagdish/kiran/-

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