

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4583 of 2023**

Shivam Jan Swasthya Evem Sarvangin Vikash Kendra at 5C/12, North S.K. Puri, Vivekanand Marg, Boring Road, Patna through its Chairman namely Raushan Kumar, aged about 53 years, Male son of Shri Rambabu Singh residing at A/6 Ajanta Colony, Keshri Nagar, P.S. - Patliputra, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Urban Development Department, Govt. of Bihar.
2. Ara Nagar Nigam, Ara (Ara Municipal Corporation, Ara)
3. Nagar Aayukta (Municipal Commissioner), Ara Nagar Nigam, Ara.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Rajni Kant Jha, Advocate  
For the Respondent/s : Ms.Indira Kumari, AC to AAG-7

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      02-05-2023                      Petitioner in this case is a Non Government Organization who is aggrieved by and dissatisfied with the order contained in memo no.109 dated 31.01.2023 passed by the Municipal Commissioner, Ara Municipal Corporation as contained in Annexure- 'P/1' to the writ application.

Learned counsel for the petitioner submits that the petitioner was given the 30 years contract for construction and maintenance of community toilet block (Delux Model). The petitioner was also given the work of reconstruction, renovation and repair as well as operation and maintenance of public latrines, baths, urinals situated at (1) North Ramna Maidan (2) Shivganj Rain Basera (3) Jagjivan Market and (4)



Samanaharlaya (Collectorate Complex) which were lying in dilapidated condition. It is the case of the petitioner that the petitioner has been acted in terms of agreement and carried out the work by spending Rs.58,000.000/-.

The grievance of the petitioner is that the agreement of the petitioner has been cancelled without giving any opportunity to show cause. At no point of time any deficiency in service of the petitioner was pointed out to him and no inspection of the toilets were done in presence of the petitioner. No adverse report if any was provided to the petitioner.

Learned counsel for the petitioner submits that the order as contained in Annexure- 'P/1' to the writ application is an ex-parte order and this has got a huge civil consequence, therefore, it is liable to be set aside.

Learned counsel for the State is present, however, learned counsel for the Municipal Commissioner, Ara Municipal Corporation is not present. The name is, however, appearing in the cause list.

Having heard learned counsel for the petitioner and the State as also on perusal of the records, this Court is of the considered opinion that because Annexure- 'P/1' to the writ application is not specifically referring to any show cause notice



given to the petitioner, it would be appropriate to keep the effect of Annexure- 'P/1' to the writ application in abeyance for a period of two months from today.

In the meantime, the petitioner shall appear before the Municipal Commissioner, Ara on 15.05.2023 and file an appropriate application whereupon the Municipal Commissioner shall fix a date for hearing and after hearing the petitioner, he will take an appropriate reasoned decision before expiry of the period of two months from today.

This writ application is disposed of accordingly.

**(Rajeev Ranjan Prasad, J)**

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