

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22008 of 2014

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Devan Yadav Son of Late Mahabir Yadav, Resident of Mohalla - Subhaspalli,
Ward No. 2, Kishanganj, P.S. and District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Purnea Division, Purnea.
5. The District Magistrate-cum-Collector, Kishanganj.
6. The Deputy Development Commissioner, Kishanganj.
7. The Additional Collector, Kishanganj.
8. The Sub-Divisional Officer, Kishanganj.
9. The Deputy Collector, Land Reforms, Kishanganj.
10. The Circle Officer, Kishanganj, District - Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad, Adv.
	:	Mr. Indrajit, Adv.
For the Respondent/s	:	Mr. Prashant Kumar, AC to SC-5.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 07-08-2023 Learned counsel for the petitioner and learned counsel
for the State are present.

2. Learned counsel for the petitioner clearly submits
that the petitioner at the time of filing of writ petition was a
member of Kishanganj Nagar Parishad who had filed the
present writ petition seeking direction to the respondent to
transfer all the sairats legally and financially to the Nagar
Parishad, Kishanganj which falls within the territorial



jurisdiction of said municipality under Section 100 of Bihar Municipal Act, 2007 as well as letter dated 07.12.2010 issued by the Revenue and Land Reforms Department and the letter dated 03.10.2012 issued by respondent no.3 so that the said Nagar Panchayat could maintain itself by its resources and make plans for its development as it is requirement of local self Government as provided by the Constitution.

3. Learned counsel for the petitioner submits that presently on the day of hearing, the petitioner is no more member of the Kishanganj Nagar Parishad. He further submits that it is true that petitioner has lost his *locus standi* to pursue the case but the legal question involved in the present writ petition has to be decided particularly when a clear cut stand by way of filing counter affidavit has come in this writ petition.

4. In the Counter affidavit filed by the respondent no.6 who has annexed Annexures-R/1 and R/2 in which it has been categorically mentioned that according to Section 100 of Bihar Municipal Act, 2007 the movable and immovable properties of categories mentioned in Section 100 within the limit of municipal area not belonging to any Government department or statutory body (excluding Zila Parishad or corporation), shall vest in the Municipality, unless the State



Government directs otherwise by notification.

5. In the light of the said counter affidavit, it become crystal clear that the stand of the Principal Secretary, Panchayati Raj Department, Bihar is that the property of Zila Parishad is not vested in Nagar Palika.

6. Learned counsel for the petitioner submits that in view of the stand of the State, the present writ petition may be directed to be dispose of.

7. Accordingly, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

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