

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7475 of 2023

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1. Md Sarjan Alam Son of Late Sheikh Musa, Resident of Rupauhali Ward No. 9, P.S. Parbatta, District- Khagaria.
 2. Md. Noman Son of Late Sheikh Irfan, Resident of Rupauhali Ward No. 9, P.S. Parbatta, District- Khagaria.
 3. Kumar Prem Chandra Son of Shiv Shankar Bhagat, Resident of Rupauhali Ward No. 9, P.S. Parbatta, District- Khagaria.
 4. Kumar Gyan Chandra Son of Late Shiv Shankar Prasad Bhagat, Resident of Rupauhali Ward No. 9, P.S. Parbatta, District- Khagaria.
 5. Kumar Uday Chandra Bhagat Son of Late Shiv Shankar Bhagat, Resident of Rupauhali Ward No. 9, P.S. Parbatta, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Panchayati Raj Department, Bihar, Patna.
2. The Addl. Principal Secretary, Department of Road Construction, Bihar, Patna.
3. The Addl. Principal Secretary, Nagar Bikas Department, Bihar, Patna.
4. The Commissioner, Munger.
5. The District Magistrate cum-District Collector, Khagaria.
6. The Addl. Collector, Khagaria-cum Executive Officer, Zila Parishad, Khagaria.
7. The D.D.C.- cum- Executive Officer, Zila Parishad, Khagaria.
8. The Executive Officer, Nagar Panchayat, Parbatta, District- Khagaria.
9. The Block Development Officer, Parbatta Blok, District- Khagaria.
10. The Circle Officer, Parbatta Block, District- Khagaria.
11. The Executive Engineer, R.C.D. Division, Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Najmul Hodda, Advocate
For the State	:	Mr. Kameshwar Prasad Gupta, GP-10
		Mr. Satya Vrat, AC to GP-10
For Zila Parishad	:	Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-12-2023

Heard Mr. Md. Najmul Hodda, learned counsel



appearing on behalf of the petitioners; Mr. Kameshwar Prasad Gupta, learned GP-10 assisted by Mr. Satya Vrat, learned AC to learned GP-10 and Mr. Nikesh Kumar, learned counsel for the Zila Parishad, Khagaria.

2. The petitioner has filed the writ petition for following relief(s), which *inter alia* is reproduced hereinafter:

“(i) For issuance of a writ of mandamus or any other appropriate writ order or direction restraining the Chief Executive Officer, Zila Parishad Khagaria from constructing 102 stall/shop by the side and upon the land of Public Road (Sultanganj, Aguwani Parbatta Maheshkhut Main Road) in gross violation and objection raised by the general public and the public Road Construction Department situated.

(ii) For issuance of a writ of certiorari or any other appropriate writ order or direction for quashing the Advertisement for allotment of the aforesaid 102 stalls/shop in requisite and prescribed forms up to 27.04.2023.

(iii) For issuance of an appropriate writ order or direction for grant of an ad-interim stay of the Advertisement for allotment of proposed construction and allotment of stalls upon the said land i.e. Khata no. 186, Khesra no.201 Mauza Parbatta English as the aforesaid road is going in the widening process due to heavy traffic on the start and opening of Sultanganj Ganga Bridge.

(iv) For any other relief/reliefs for which the petitioners may be found entitled in the facts and circumstances of this case.”

3. Considering the nature of relief(s) sought for in the present writ petition, this Court is shocked by the manner in which the Principal Secretary, Panchayati Raj Department, has allowed the Executive Officer, Zila Parishad, Khagaria, to construct shop without there being any master plan for the District. If there is a master plant, at least, the petitioner must have been made aware of the said fact.



4. The Principal Secretary, Panchayati Raj Department, is directed to ensure that construction should not violate the existing master plan and, in case, there is no master plan, then he must first proceed to prepare a master plan for the Nagar Parishad, Khagaria, which has been notified in accordance with the population and once the population exceeds then it can be converted into municipality. To avoid illegal constructions and unplanned growth he is duty bound to exercise for future development of the area.

5. Any development without any plan is not the mandate of the Constitution of India, as well as, the Act.

6. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	20.12.2023
Transmission Date	N/A

