

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12958 of 2021

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Krishna Deo Paswan Son of Late Harkhu Paswan Resident of Village -
Jhakhra, P.S. - Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Sub - Divisional Officer, Dehri-on-Sone, District- Rohtas.
4. The Chief Municipal Commissioner, Nagar Parishad, Dehri, Dalmianagar, Rohtas.
5. The Executive Officer, Nagar Parishad, Dehri, Dalmianagar, Rohtas..

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Kripa Nand Jha, Advocate Mr. Sandhya Kumari, Advocate
For the State	:	Mr.Kinkar Kumar (Sc9)
For Nagar Parishad	:	Mr. Avinash Kumar, Advocate Mr. Prabhat Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2023 1. The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of an appropriate direction, order or writ in the nature of "Certiorari" quashing the letter no. 1148 dated 22.06.2021 issued by the Executive Officer of Nagar Parishad, Dehri Dalmianagar, whereby and whereunder the petitioner, whereby and whereunder the petitioner has been directed to vacate his quarter within 30 days which was allotted to him under a scheme namely Low Income Group Housing Scheme of "NO PROFIT NO LOSS" basis on hire purchase after the recommendation by the Sub-Divisional Officer, Dehri.



(ii) For holding and declaring that the letter dated 22.06.2021 issued by the Executive Officer, Nagar Parishad, Dehri, Dalmianagar is without jurisdiction in view of Memo No. 1510 dated 11.3.1958 issued by the Government of Bihar read with letter dated 19.3.1956 issued by the Nagar Parishad, Dehri and therefore, withholding the pension of the petitioner to that effect, is void-ab-initio.”

2. At the outset, the learned counsel appearing for the Executive Officer, Nagar Parishad, Dehri, Dalmianagar submits that the petitioner has merely challenged the notice dated 22.06.2021, issued by the Executive Officer, Nagar Parishad, Dehri, Dalmianagar by which he has been directed to vacate the quarter allotted to him, however, it is submitted that in case the petitioner files appropriate representation/reply to the said notice dated 22.06.2021, the same shall definitely be considered, in accordance with law and a reasoned and a speaking order shall be passed thereon forthwith.

3. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to file appropriate reply to the aforesaid notice dated 22.06.2021, however, he submits that till the final decision is taken with regard to the case of the petitioner, the petitioner be not evicted from the quarter in question. It is directed, accordingly.



4. It is needless to state that in case appropriate reply is filed, to the aforesaid notice dated 22.06.2021, by the petitioner, within a period of two weeks from today, appropriate decision shall be taken thereon by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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