

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16659 of 2021

1. Indra Mohan Singh Son of Late Ganga Singh, resident of Village - Mahamadpur Boari, P.O. Naudega Balha, P.S.- Biraul, District - Darbhanga, PIN - 848209.
2. Pappu Kumar Nayak, Son of Satyanarayan Nayak, Resident of Village - Zirat, P.S. - Biraul, District- Darbhanga.
3. Raj Kumar Singh, Son of Late Bindeshwari Prasad Singh, resident of Village - Rajwa, P.S.- Biraul, District - Darbhanga.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary-cum- Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Joint Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
5. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
6. The Director, Panchayati Raj Department, Government of Bihar, Patna.
7. The Collector -cum-District Magistrate, Darbhanga.
8. The District Panchayati Raj Officer, Darbhanga.
9. The Sub Divisional Officer, Biraul, Darbhanga.
10. The Block Development Officer, Biraul, Darbhanga.
11. The Circle Officer, Biraul, Darbhanga.
12. The Chief Election Commissioner, Bihar, Sone Bhawan, Patna.
13. The Secretary, State Election Commission, Bihar, Sone Bhawan, Patna.

... .. Respondents

Appearance :



For the Petitioners : Mr. Jagannath Singh, Advocate
For the State : Mr. Pushkar Nrarani Shahi, AAG-6

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)**

Date : 21-04-2023

Heard learned counsel for the petitioners and learned counsel for the State.

2. The writ application has been filed as a Public Interest Litigation (PIL) assailing three notifications. The first notification contained in memo no. 25/12/2020 is a notification issued in view of an amendment to the second proviso to Section 3(1) of the Bihar Municipal Act, 2007 by notification dated 10-08-2020 notifying the Bihar Municipal (Amendment) Act, 2020 (Bihar Act 13 of 2020). In view of such amendment, the proposal for constitution of urban local bodies under the unamended provision was, thus, held to be irrelevant and were cancelled. The second impugned notification is contained in memo dated 26-12-2020, which is a declaration of intention to constitute a municipal area, allowing inhabitants of the area with respect to which notification has been issued to make objections in writing to the State Government within one month from the date of its publication, which the State is required to take into consideration in the process of constitution /upgradation of



municipal area. The third impugned notification is memo dated 03-03-2021, whereby and whereunder a new *Nagar Panchayat-Biraul* has been constituted under the provisions of the Bihar Municipal Act.

3. From the averments in the writ petition and submission of the learned counsel for the petitioners, it is obvious that petitioners have alleged that cancellation of the earlier proposal for constitution of a municipal area by notification no. 5493 of 22-08-2017 is based on extraneous considerations to please the local politicians. They have also alleged that the final notification constituting *Biraul Nagar Panchayat* is without giving any plausible explanation for the same.

4. The petitioners have not raised any issue of illegality arising out of violation of any statutory procedure or any other illegality in constitution of the new municipal area. The plea regarding political pressure is a general and vague allegation devoid of any substance and without any basis. The other plea regarding constitution being without any plausible explanation is also not supported with reference to any statutory or legal requirement of any explanation being given by the Government while constituting such municipality. The instant writ petition, by way of PIL, does not espouse any public cause.



5. The writ petition is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	25.04.2023.
Transmission Date	

