

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15581 of 2022**

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Ashok Kumar son of Late Bharat Prasad, resident of Mohalla-Sahebganj,  
Sonarpatti, P.S.-Chapra Town, District-Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Municipal Commissioner, Chapra Nagar Nigam.
4. The Deputy Municipal Commissioner, Chapra Nagar Nigam.
5. Sri Tarun Prakash, son of Ramnath Singh, resident of Mohalla-Lah Bazar, Chapra, P.S.-Chapra Town, District-Saran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mrs. Saili Kumari, Advocate  
For the Respondent/s : Mr.Yogendra Pd. Sinha, AAG-7

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      08-08-2023                      Heard Mrs. Saili Kumari, learned counsel for the  
  
petitioner, Mr. Rabindra Kumar Priyadarshi, representing the  
  
Chapra Municipal Corporation as also the State counsel.

The present petition has been preferred for the  
following relief:

- (i) for issuance of an appropriate writ in the  
nature of certiorari for quashing impugned  
order issued vide Memo No.2079 dated  
11.10.2022 (contained in Annexure-8) issued  
by under the signature of Municipal  
Commissioner, Chapra Nagar Nigam. whereby



and whereunder in arbitrary manner without considering the explanation of the show cause notice issued vide Memo No. 2012 dated 22.09/2022 (contained in Annexure 6) imposed a fine of Rs.5,00,000/-(Five lakh) upon the petitioner and further directed in case, the imposed fine is not deposited, the building shall be demolished and if the holding tax is not deposited then to take action by way of Certificate Case against the petitioner;

(ii) for issuance of an appropriate writ in the nature of mandamus for a direction to the responsible respondents particularly the Municipal Commissioner, Chapra Nagar Nigam to restrain him from realizing the imposed penalty Rs.5,00,000/- and also to maintain status-quo;

(iii) for issuance of appropriate writ in the nature of certiorari for quashing Memo No. 2581 dated 10.12.2020 (contained in Annexure-4) under which the trade licence bearing No. TLB0032500 dated 28.10.2020



which was for Hotel Nutan Palace has been cancelled treating it the licence of Nutan Vivah Palace without any show cause and without giving an opportunity of hearing, only on the application of Sri Tarun Prakash with whom there is inimical term with the petitioner and no decision was taken by the Empowered Standing Committee into the meeting for cancellation of trade licence of Hotel Nutan Palace, in spite of that the Municipal Commissioner, Chapra Nagar Nigam in arbitrary manner being influenced by Sri Tarun Prakash took action for cancellation of trade licence of the petitioner;

(iv) for issuance of a direction to pay the suitable compensation to the petitioner as without any opportunity to the petitioner trade licence has been cancelled, due to which loss occurred into the business of Hotel;

(v) for grant of any other relief/reliefs for which the petitioner is fund entitled to.

Mr. Priyadarshi straight away submits that an order



has been passed by the Municipal Commissioner, Chapra Municipal Corporation which is appealable before the Municipal Building Tribunal.

Learned counsel for the petitioner submits that he will be filing an appeal but the delay may be condoned.

In view of the facts that the petitioner was pursuing the writ petition before this Court, the petition for condoning the delay has to be considered in that background.

The writ petition is disposed of with liberty to the petitioner to file appeal against the order in question.

**(Rajiv Roy, J)**

Ravi/-

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