

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18311 of 2022

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Rakesh Kumar Paswan Son of Ram Sundar Paswan Resident of Village-
Kusmaul Rampatti, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The 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 Divisional Commissioner, Darbhanga, Bihar.
7. The District Magistrate, Madhubani cum District Election Officer, (Nagarpalika), Madhubani.
8. The District Panchayati Raj Officer, Patna.
9. The Block Development Officer, Rajnagar, P.S.- Raj Nagar, District- Madhubani.
10. The Block Cultural Officer, P.S.- Raj Nagar, District- Madhubani.
11. The Mukhiya Gram Panchayat Raj, Mahinathpur, Block- Raj Nagar, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Priyanka Singh, Advocate Mr. Vikash Kumar Jha, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9
For the State	:	Mr. Yogesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 10-10-2023

Heard Mr. Vikash Kumar Jha, learned counsel

appearing on behalf of the petitioner and Mr. Yogesh Kumar,

learned counsel for the State.



2. The petitioner filed the present writ petition by way of public interest litigation in representative capacity for the following relief(s):-

“A. A writ in the nature of CERTIORARI or any order/s, direction/s the quashing the following:

i. The notification dated 18.08.2022 being Notification No.-10/Town Development/ Organization-02/2022-2212 to the extent tagging part of Mahinathpur Village, Mahinathpur panchayat with Madhubani Municipal Corporation intimating and amending the notification no. 1516 dated 26.03.2021 Madhubani Municipal Corporation falling within the Madhubani district was upgraded. After up-gradation total population was found to be 1,70,833. The notification further indicates that the upgradation of Madhubani Municipal Corporation by notification no. 1516 dated 26.03.2021 is to be treated a tourist spot.

(ANNEXURE- 5)

ii. To quash the Notification No. 1516 dated 26.03.2021 exercising powers conferred under Section-3 of the Bihar Municipal Madhubani Act, 2007 constituted Municipal Corporation incorporating/ including six wards of Mahinathpur village namely Wards Nos. 1, 2, 7, 8, 9, and 10 and amalgamating the rest of the portion of Mahinathpur Panchyat in the panchayat. Rampatti gram panchayat.

(ANNEXURE- 4)

B. A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s, direction/s



commanding the respondents for the following:

1. To hold the order contained in Annexure- 4 & 5 to be nullity and non- est in the eye of law.

II. To restrain the Respondent Authorities from giving effect to the notification contained in Annexure- 4 & 5 to the Petition.

III. To restore Mahinathpur gram panchayat with all its wards and with the territory tagged up with Madhubani municipality and forming part of new panchayat.

C. To any other relief/s which the Petitioner is found entitled to.”

3. It is submitted on behalf of the State respondents, that the issue raised before this Court has been set at rest by the Division Bench of this Court in the case of ***Usha Devi vs. State of Bihar & Ors.*** and analogous cases is in C.W.J.C. No 7446 of 2021, whereby the learned Division Bench *vide* order dated 17.01.2022 has been pleased to observe that once the objections are invited, considered and notification issued, it is not for the Constitutional Court under Article 226 of the Constitution of India, to sit in judgment over the decision leading to issuance of the notification upgrading or constituting a larger municipal areas.

4. The Division Bench finally held that various notification put to challenge in the instant proceedings are in



accordance with the statutory requirements, contained in chapter II of the “Act of 2007” and require no interference by this Court and thus, after having found no merit, dismiss the writ petition.

5. In view of the afore-noted legal position, and taking note of the fact that notification has already been issued after inviting objection and considering the same, the present writ application also stands dismissed devoid of merit.

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.10.2023.
Transmission Date	NA

