

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.24551 of 2019**

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1. Raju Kumar S/o Sri Shivratan Rai Resident of Mohalla- Dahiyawan, P.s.- Chapra Town, District- Chapra
  2. Rajesh Kumar Singh S/o Kailash Singh Ward No. 39, Chhota Telpa, Rawal Tola, P.s.- Chapra Muffasil, District- Chapra
  3. Ratanmala Devi W/o Jay Prakash Resident of Narayan Chowk, Dahiyawan, P.s.- Chapra Town, District- Chapra
  4. Md. Amaan @ Md. Abbas S/o Md. Sultan, near Pathar Bazar, Ashok Nagar, Mauna Chowk, P.s.- Chapra Town, District- Chapra

... .. Petitioner/s

Versus

1. The Chapra Nagar Nigam through its Municipal Commissioner, Municipal Chowk, Chapra
2. The Mayor Nagar Nigam, Municipal Chowk, Chapra
3. The Deputy Mayor Nagar Nigam, Municipal Chowk, Chapra
4. The Municipal Commissioner Chapra Nagar Nigam, Municipal Chowk, Chapra
5. The Additional Municipal Commissioner Chapra Nagar Nigam, Municipal Chowk, Chapra
6. The Junior Engineer Nagar Nigam, Municipal Chowk, Chapra
7. The City Manager Nagar Nigam, Municipal Chowk, Chapra

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Gyan Prakash, Advocate |
| For the Respondent/s | : | Mr. Indu Bhushan, Advocate |

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

4      03-07-2023                      Heard Mr. Gyan Prakash, learned Counsel for the  
petitioners and learned Counsel for the respondents.

The present writ petition has been filed for the  
following reliefs:-

(i) for issuance of a writ of certiorari or any other  
order/direction for quashing and setting aside memo no.672



dated 18.4.2019 issued by Municipal Commissioner, Municipal Corporation, Chapra by which without giving any notice to the petitioners, their settlement of land for construction of shops in the year, 2017 have been cancelled, though the same have been settled to educated unemployed persons/ ladies after adopting all the required procedure for it.

(ii) for issuance of a writ of mandamus or any other order/direction commanding the respondents to allow the petitioners to complete the construction of shops which have been duly settled to them by the authorities of Municipal Corporation.

(iii) for holding that the settlement of land in favour of the petitioners for construction of shop on the upper part of constructed shops is in accordance with the procedure/law.

Learned Counsel for the petitioners submit that once the settlement was made on 26.09.2017, the natural recourse could have been to put them on notice before passing an order. It is his categorical submission that no such notice was ever served.

A counter affidavit has been filed on behalf of the Chapra Municipal Corporation duly put on oath by Deputy Municipal Commissioner and in paragraphs 5 to 7, the reasons



have been incorporated.

It is important to incorporate paragraph-7 which read as follows:-

*“7. That it is stated that there is no any illegality in the memo no. 672 dated 18.4.2019 contained in Annexure-11 of the writ petition as order for cancellation of settlement has been passed after due enquiry and from the perusal of enquiry report dated 5.4.2019 (contained in Annexure-B of the Counter Affidavit) it will appear that prior to allotment to the petitioners and other persons no procedure was followed and in hurry settlement was made.”*

From the aforesaid reply, it is clear that no notices were ever issued to the petitioners before the order in question was/were passed. There is no averment of the Municipal Corporation on this point.

This Court fails to understand that if an allotment was made in a hurry, can the same be cancelled in the same way without issuance of notices, as claimed.

In that view of the matter, the order passed by the Municipal Commissioner, Municipal Corporation, Chapra vide memo no. 672 dated 18.04.2019 (Annexure 11) stands quashed.

The petitioner shall be appearing and filing a



representation before the Municipal Commissioner, Chapra Municipal Corporation alongwith their relevant documents within a period of four weeks from today and the same shall be considered and an appropriate order will be passed by him within a period of three months from the date of receipt of representation(s).

In view of the fact that on 14.02.2020, the co-ordinate bench had given interim protection, the status quo shall be maintained till the Municipal Commissioner, Municipal Corporation, Chapra takes a decision.

The writ petition accordingly stands disposed of with the aforesaid observations.

**(Rajiv Roy, J)**

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