

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9538 of 2024

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Dharmendra Singh Son of Late Vishwanath Singh, Resident of village and
P.O.- Karup, Via-Gorari, Police Station-Karakat, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The District Magistrate-cum-Collector, Rohtas at Sasaram.
5. The Deputy Development Commissioner, Rohtas at Sasaram.
6. The Incharge Officer (Development) Rohtas at Sasaram.
7. The Circle Officer, Karakat, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-06-2024

The petitioner has filed the above writ petition seeking the exclusion of village-Karup in the Karakat Nagar Panchayat, District-Rohtas at Sasaram, while contending that the required criteria for inclusion under the municipal area is not available.

2. The only violation of the criteria applicable is stated to be the percentage of agriculturists, which should not be more than 50% in the area. It is asserted without any substantiation that Karup



village has 90% population who are dependent on agriculture. The petitioner had filed a representation, and the District Magistrate, after looking at the facts and figures, had rejected the prayer of the petitioner by Annexure-P/10.

3. Annexure-10, is an order issued by the District Magistrate pursuant to Annexure-P/7, judgment wherein similar reliefs were sought in a PIL. A consideration was directed which led to Annexure-P/10. In Annexure-P/10, it was specifically found that the population of total agricultural workers in Nagar Panchayat is 17.83% and the number of total farmers in the village-Karup as per the District Statistical Handbook is 48%. The petitioner in the writ petition claims that Annexure-P/11, indicates to the contrary. However, on a perusal of the Annexure-P/11, we do not find any contrary figures.

4. Again, the petitioner approached this Court with a PIL, which was disposed of as Annexure-P/12. Annexure-P/12 clearly upheld the District Collector's order at Annexure-P/10. The Court considered the PIL and directed the petitioner to approach the State Government if he so desired, to exclude village-Karup from the Nagar Panchayat, in view of Section 8 of the Municipal Act, 2007. Annexure-P/14 order has been passed in compliance of the judgment.

5. Even at the earlier instance on a review of the



proposal received including Karup in the Nagar Panchayat, it was found eligible for such inclusion under the provisions of Section 3 of the Bihar Municipalities Act, 2007 (for brevity, the Act). The notification was issued after month draft publication under Section 4 of the Act and objections/suggestions were sought for through the concerned Divisional Commissioner/District Officer. The District Officer, Rohtas had considered the objections/suggestions and made available a report and asserted that the agricultural based population is less than 50%. The election of the Nagar Panchayat also was completed and it has become fully functional with the inclusion of Karup village. There is no reason to interfere with the findings of the district administration based on clear statistics available with the administration.

6. We find absolutely no reason to invoke the extraordinary remedy under Article 226 of the Constitution of India, and dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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CAV DATE	
Uploading Date	03.07.2024.
Transmission Date	

