

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10540 of 2022

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Gram Panchayat Raj Sulindabad through the Mukhiya Pujja Kumari (female),
aged about - 24 years, wife of Sri Ratan Kumar Roy, resident of village and
P.O. Sulindabad, P.S. Saharsa, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
3. The Under Secretary, Urban Development and Housing Department,
Government of Bihar, Patna.
4. The Divisional Commissioner, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa, District - Saharsa.
6. The Additional Collector, Saharsa, District - Saharsa.
7. The Incharge Officer, District General Section, Saharsa, District - Saharsa.
8. The District Statistical Officer, Saharsa, District - Saharsa.
9. The Block Development Officer, Kahra, District - Saharsa.
10. The Circle Officer, Kahra, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. B. K. Manglam, Advocate. Mr. Awnish Kumar, Advocate.
For the Respondent/s	:	Mr. Abbas Haider, SC-6.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 15-01-2024

Heard Mr. S. B. K. Manglam, learned counsel
along with Mr. Awnish Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Abbas Haider, learned SC-6 for
the State.

2. Mr. S. B. K. Manglam, learned counsel
appearing on behalf of the petitioner submits that the petitioner
has been forced to file the present writ petition for the relief as



prayed for before this Court, however considering the fact that the respondents have not decided the objection filed by the petitioner and instead of that they have proceeded to come out with final notification with respect to the petitioner's Gram Panchayat even then no whisper relating to the fact as to whether any action has been taken on the objection filed by the petitioner nor it has been denied that those such objection was filed by the petitioner within the time period prescribed for the said purpose.

3. This Court finds it proper that the petitioner who is the elected Mukhiya of the concerned Gram Panchayat is required to be given an opportunity to demonstrate his case before the respondent no.2.

4. The Respondent no.2 is directed to call for the records relating to census conducted in the year 2011, available with the District Statistical Officer or the State Statistical Officer or the Central Government agency on which basis the final report of the Census 2011 has been published. In case, he requires any assistance of the District Magistrate in this regard or any records from the District concerned, then he may call for those records from the Office of the District Magistrate and the Government / Department concerned.



5. Thereafter he (Respondent no.2) may proceed to fix a date, on or before 21st February, 2024 and after giving due opportunity of hearing he may give his finding whether the Panchayat concerned fulfills all the requirements of Bihar Municipal Act, 2007 (hereinafter referred to as “the Act”) for notifying the area under urban area in accordance with the provisions of the Act within one month time considering the development of the area and the Panchayat notified.

6. The writ petition stands disposed of.

7. Parting with the above observation, this Court deprecates the practice of giving vague information to the Court. In the present case, Paragraph No.9 of the counter affidavit don't contain any information. The same is, *inter alia*, reproduced hereinafter:

“9. That, in the instant case also objection received and thereafter, objections have been duly considered, including objection of the petitioner has also been considered by the District Level Committee, headed by the District Magistrate, Saharsa and the same has been rejected on the ground that the data provided by the petitioner in the objection relating to percentage of workers engaged in the agriculture work, is incorrect. The District Magistrate, Saharsa vide letter No.329 dated 23.02.2022 has forwarded the recommendation, for up-gradation of Nagar Parishad, Saharsa as Nagar Nigam, Saharsa along with the consideration of objections and



decision/recommendation thereon by the Seven-Members District Level Committee headed by the D.M., Saharsa.”

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.01.2024
Transmission Date	N.A.

