

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16244 of 2023

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Om Prakash Gupta Son of Late Ram Babu Prakash Gupta Resident of
Mohalla- Panchvati Nagar, Ward No 20, Rajgir, P.S.- Rajgir, District-
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Bihar Sharif.
3. The Sub Divisional Officer, Rajgir, Nalanda.
4. The Executive Officer, Nagar Parishad, Rajgir, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Advocate
For the Respondent/s : Mr.Kinkar Kumar, (SC-9)

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 23-07-2024 Heard the parties.

2. This is an application for issuance of a writ in the nature of Certiorari or any appropriate writ's, order's, direction's commanding the respondents for quashing of the notice vide Memo no. 514 dated 01-04-2023 issued by the Executive Officer, Nagar Parishad, Rajgir, Nalanda where by the petitioner has been directed to deposit Rs 1,00,000/- as fine for



construction of three rooms in first and second floor over total area 1.25 decimal land without approval of map from Nagar Parishad, Rajgir and for other order and direction in the interest of justice and ends of justice in the facts and circumstances of the case.

3. The petitioner has come to the Court pursuant to the Memo no. 514 dated 01-04-2023 issued by the Executive Officer, Nagar Parishad, Rajgir, Nalanda asking him to stop illegal construction. A fine has also been imposed and according to him Rs. 20,000/- has been deposited.

4. Mr. Pandey, representing the Nagar Parishad Rajgir submits that a notice has been given, he should appear and put forward his case.

5. Learned counsel for the petitioner submits that hard earned money has been invested and if required post facto sanction be also granted. He submits that on already constructed house, he has constructed another floor but due to the complaint made by the wife of his own brother, the work has been stopped.

6. Learned counsel for the Nagar Parishad submits that the complainant has not been made party respondent and as such, the writ petition be dismissed for non-joinder of necessary party.



7. This Court finds force in the submission of the learned counsel for the Nagar Parishad and as the complaint which is own brother has not been made party respondent the same is fit to be dismissed for non-joinder of necessary party.

8. At this stage, learned counsel for the petitioner submits that he may be permitted to implead him as party respondent no.5 and the same is granted subject to payment of Rs. 500/- to the Patna High Court Legal Services Committee. It should be done in course of the day.

9. In view of the fact that the notice has been issued and the petitioner is ready to appear, this Court fixes 29th July, 2024 as the date when he shall present himself with all the documents before the Nagar Parishad, Rajgir at 2:30 PM. Thereafter, the Nagar Parishad, Rajgir will be free to fix a date as per his own convenience and a decision be taken in accordance with law preferably in next four months.

10. It is expected that till decision is taken, the status quo as existing today shall be maintained but the day the order is passed, this status quo order will merge with the original order passed by the Nagar Parishad, Rajgir, Nalanda.

11. The writ petition stands disposed of.

12. The receipt showing payment of Rs. 500/- to



the Patna High Court Legal Services Committee has to be submitted along with the representation to be filed by the petitioner on 29.07.2024.

(Rajiv Roy, J)

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