

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6977 of 2025

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Kameshwar Prasad Sah Son of Late Srichand Sah, Resident of Mohalla-
Imambari, P.S. Laheria Sarai, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. Darbhanga Nagar Nigam, through its Municipal Commissioner, Darbhanga.
4. The District Magistrate, Darbhanga.
5. The Municipal Commissioner/Commissioner, Darbhanga Nagar Nigam, Darbhanga.
6. The Circle Officer (Anchal Adhikari), Darbhanga.
7. Sri Fakruddin Ansari, Son of Late Safiuddin Ansari, Resident of Dumduma (Imambari), Laheriasarai, P.S. Laheriasarai, District-Darbhanga.
8. Sri Safuddin Ansari, son of Late Safiuddin Ansari, Resident of Dumduma (Imambari), Laheriasarai, P.S. Laheriasarai, District-Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sameer Ranjan, Adv
For the State	:	Mr. Rakesh Prashad, AC to Standing Counsel (21)
For the DMC	:	Mr. Bindhyachal Rai, Adv

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 29-04-2025 Heard Mr. Sameer Ranjan, learned counsel for the

petitioner, Mr. Bindhyachal Rai, learned counsel for the

Darbhanga Municipal Corporation and Mr. Rakesh Prashad,

learned AC to SC-21 for the State.

2. For the relief as claimed for in the present writ
application, the petitioner had earlier come to this Court vide
CWJC No. 6617 of 2022 which was disposed of vide order



dated 29.07.2022 (Annexure-P/10) by which the petitioner was granted liberty to file a complaint under Section 323 of the Bihar Municipal Act, 2007 before the Municipal Commissioner, Darbhanga Nagar Nigam, Darbhanga with regard to the alleged illegal constructions made on the land belonging to Imambari, Darbhanga as well as on land of the petitioner by respondent nos. 7 and 8.

3. In terms of the said order passed by this Court, the petitioner filed complaint before the Darbhanga Municipal Commissioner, Darbhanga (respondent no. 5) on 24.08.2022 under Section 323 of the Bihar Municipal Act, 2007. The petitioner submits that till date, the said complaint has not been disposed of by the respondent no. 5 and no order has passed under Sub-Section (1) of Section 323 of the Bihar Municipal Act, 2007, which mandates the Commissioner to pass an appropriate order which should be reasoned and speaking. The petitioner, therefore, prays that he would be satisfied if this Court directs the Darbhanga Municipal Commissioner, Dharbhanga to decide/dispose of the complaint filed by the petitioner in terms of the previous order of the High Court dated 29.07.2022 passed in CWJC No. 6617 of 2022.

4. To the above prayer being made by the learned



counsel for the petitioner, learned counsels appearing for the Darbhanga Municipal Corporation as well as State have no objection.

5. Considering the above submission made by the petitioner, which is not opposed by the respondents, this Court directs the Darbhanga Municipal Commissioner, Darbhanga to decide/dispose of the complaint dated 24.08.2022 filed by the petitioner in terms of the order of the High Court dated 29.07.2022 passed in CWJC No. 6617 of 2022, after giving opportunity of hearing to all the parties concerned including the respondent nos. 7 and 8. The final order passed by the Darbhanga Municipal Commissioner, Darbhanga shall be a reasoned and speaking order. This entire exercise must be completed within two months from the date of production of a copy of this order.

6. With the above observation and direction, the present writ application stands disposed of.

(Alok Kumar Sinha, J)

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