

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5242 of 2026

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1. Hare Krishna Singh S/o- Bindeshwari Singh, R/o- Moldiyar Tola, Ward No.- 12, Mokama, Patna- 803302.
 2. Deepak Kumar, S/o- Sri Anil Kumar, R/o- Sahvegpur, Ward No.- 22, Mokama, Patna- 803302.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Urban Development and Housing Department, Government of Bihar, Vikash Bhawan, New Secretariat, Bailey Road, Patna-800015.
2. The Secretary, Urban Development and Housing Department, Government of Bihar, Vikash Bhawan, New Secretariat, Bailey Road, Patna-800015
3. The District Magistrate, Patna, Bihar.
4. The Executive Officer, Nagar Parishad, Mokama, Patna, Bihar.
5. The Sub- Divisional Magistrate, Barh, Patna, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar Tiwari, Adv. Mr. Abhishek Kumar, Adv.
For the State	:	Mr. P.K. Verma, Sr. Adv. Mr. Sanjay Kumar Ghosarvey, Adv.
For Nagar Parishad Mokama	:	Mr. Vikas Kumar, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-05-2026 The instant writ petition has been filed in the nature of Public Interest Litigation, seeking a direction upon respondent nos. 1 to 5 to forthwith consider the inquiry report dated 22.05.2025 along with the show cause reply submitted by Sri Nilesh Kumar, and thereafter take a reasoned decision, in accordance with law, as to whether Sri Nilesh Kumar is liable to



be removed from the office of Chief Councillor under Section 25 of the Bihar Municipal Act, 2007, within a time frame to be fixed by this Hon'ble Court.

2. Learned Senior Counsel, Mr. P.K. Verma, appearing on behalf of the State, as also Mr. Vikas Kumar, learned counsel appearing for Nagar Parishad, Mokama, raised a preliminary objection with regard to the maintainability of the present writ petition on the ground that the same smacks *mala fide*; besides, said Nilesh Kumar, against whom allegations have been levelled and whose removal is being sought, has not been impleaded as a party respondent and, therefore, the writ petition is liable to be dismissed on account of non-joinder of a necessary party and lacking the element of public interest.

3. Having heard learned counsel for the respective parties and upon consideration of the materials available on record, this Court takes note of the fact that petitioner no. 1 is a duly elected Ward Commissioner of Ward No. 12, Nagar Parishad, Mokama, whereas petitioner no. 2 is a permanent resident of Ward No. 22, Mokama. *Prima facie*, this Court is of the view that the dispute raised in the present writ petition does not partake the character of a genuine Public Interest Litigation, rather it appears to be in the nature of a private dispute sought to



be agitated under the guise of a Public Interest Litigation.

4. The materials on record further indicate that the concerned Municipal Authorities and the Department are already proceeding pursuant to the inquiry report and a show cause notice has also been issued in the matter. In such circumstances, this Court does not find any sufficient ground to entertain the present writ petition as a Public Interest Litigation. Accordingly, the writ petition stands dismissed.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

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