

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11090 of 2026

Rajneesh Kumar Son of Ramanuj Singh, 32 C, Timber Marchant, Takiyaper, P.S.-Danapur, District- Patna, presently residing at Flat No. 403, Expression Exotica, Block A, Gola Road, P.S- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Housing and Urban Development Department, Government of Bihar, Patna.
3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Municipal Commissioner-cum-Chief Municipal Officer, Patna Municipal Corporation, Patna.
5. The City Executive Officer, Nagar Parishad, Danapur Nizamat, Patna.
6. The Circle Officer, Danapur Circle Office, Patna.
7. The Expression Buildtech Pvt. Ltd., Registered Office Address at 2nd Floor, Sheohar Sadan, Fraser Road, P.S.- Kotwali, District- Patna.
8. Smt. Renu Kumari, Wife of not known, Resident and owner of Flat No. 503, Expression Exotica, Block A, Gola Road, P.S- Danapur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Sinha, Adv. Mr. Madhaw Pd. Yadav, Adv.
For the Respondent/s	:	Mr. Government Pleader (23)
For the PMC	:	Mr. Prasoon Sinha, Sr. Adv. Mr. Prabhat Kumar, Adv.
For the Danapur Parishad:	:	Mr. Bindhyachhal Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 24-07-2026

Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

*“(i) For issuance of order/s,
directions/s, /s or including writ in the nature of
certiorari to quash the unauthorized Notice vide
letter No. 2298 dated 06.06.2026 issued by City*



*Executive Officer, Nagar Parishad, Danapur
Nizamat, Patna (Respondent No. 5).*

*(ii) To direct the Municipal
Commissioner -cum Chief Municipal Officer,
Patna to take disciplinary proceeding against
the Respondent No. 5 (City Executive Officer,
Danapur Nagar Parishad) as well as direct him
to pay total litigation cost of the petitioner, who
has no right to issue such notice which is
prescribed under Section 323 of the Bihar
Municipal Act, 2007.*

*(iii) To Stay over the notice vide
letter No. 2298 dated 06.06.2026 issued by City
Executive Officer, Nagar Parishad, Danapur
Nizamat, Patna (Respondent No. 5 till the final
disposal of the present case.*

3. Learned counsel appearing on behalf of the petitioner submits that the Respondent No. 5 has issued the impugned notice dated 06.06.2026 seeking explanation from the petitioner as to why action should not be taken against the petitioner for the illegal and unauthorized construction being made by the petitioner in respect of flat no. 403. Learned counsel submits that the City Executive Officer does not have the power or jurisdiction to issue the said notice. Learned counsel, therefore, seeks quashing of the said notice.

4. Learned counsel appearing on behalf of the



respondent (Nagar Parishad, Danapur) submits that in so far as the *Nagar Parishad* is concerned, the Executive Officer is the competent authority for issuing the notice and in so far as the municipalities are concerned, it is the Commissioner. Learned counsel submits that the subject land is falling in the *Nagar Parishad*, therefore, the authority is having the jurisdiction to issue the said notice. Further, learned counsel said that the present writ petition is not maintainable in view of the fact that it is only a show cause notice and the petitioner may be directed to file his explanation and the same shall be considered in accordance with law.

5. Having regard to the above made submissions, without going into the merits or demerits of the case the present writ petition is disposed of at the stage of 'Admission' directing the petitioner to file his explanation to the said show cause notice dated 06.06.2026 (Annexure- P/2) within a period of two weeks from today. On such explanation being filed, the authority shall consider the same on its own merits and pass necessary orders. It is needless to mention that before passing any orders, the petitioner as well as the complainant shall be put on notice and given an opportunity of hearing. Any decision taken by the authority shall be communicated to the party.



6. With the above directions, the present writ petition
stands disposed of.

(A. Abhishek Reddy , J)

Gauravkr/-

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