

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10421 of 2021

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Suman Kumar Son of Anirudh Ray Resident of Village- Dihu tola Madhuban,
P.S.- Madhuban, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Chief Secretary Government of Bihar, Patna.
3. The Principal Secretary Urban Development and Housing Department Govt. of Bihar, Patna.
4. The Director Panchayati Raj, Bihar, Patna.
5. The District Magistrate East Champaran, Motihari.
6. The Deputy Development Commissioner East Champaran at Motihari.
7. The District Panchayat Raj Officer East Champaran, Motihari.
8. The Sub Divisional Officer Pakaridayal, East Champaran.
9. The Block Development Officer Madhuban, District- East Champaran.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Vijay Shankar Shrivastava
For the Respondents	:	Mr. Abbas Haider, SC-6
		Mr. Ravish Chandra, AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 28-02-2022 The petitioner is seeking the following relief in the present writ application :

“1. That the petitioner seek the following reliefs through the present writ application:-

(i) For issuance of a writ in the nature of Mandamus commanding and directing the Respondents to issue



notification declaring the Madhuban Gram Panchayat into a Nagar Panchayat accordingly converting Madhuban Gram Panchayat into a Nagar Panchayat within the meaning of the Bihar Municipal Act, 2007.

(ii) To grant any other relief or reliefs for which the petitioners are entitled from the facts and circumstances of the case.”

An order of this Court dated 10.12.2010 passed in C.W.J.C. No. 17145 of 2008 (***Anirudh Rai Vs. The State of Bihar and Others***) has been brought on record by way of Annexure-1 to the writ application from which it appears that earlier by a notification dated 24.09.2008 Madhuban Gram Panchayat was converted into Nagar Panchayat, which was assailed before this court by the petitioner's father. This Court, finding the said notification dated 24.09.2008 to be contrary to certain statutory provision, had set aside the notification with a liberty to the State respondents to proceed in accordance with the law in the matter of declaration of the said Madhuban Gram Panchayat into Nagar Panchayat.

Learned counsel appearing on behalf of the petitioner has submitted that since an exercise was already undertaken to



convert the said Gram Panchayat into Nagar Panchayat and this Court had granted liberty to the State respondents to proceed further, the State Government ought to have issued notification of conversion of Gram Panchayat into Nagar Panchayat in accordance with the provisions of Bihar Municipal Act, 2007.

In our considered view, this Court, in exercise of writ jurisdiction under Article 226 of the Constitution of India, should ordinarily not issue such direction commanding the respondents to convert a Gram Panchayat into a Nagar Panchayat. It is purely a policy matter of the executive. Further, the petitioner has not been able to make out any legally enforceable claim requiring this Court to issue direction as sought in the writ application.

This writ application is accordingly dismissed.

We make it clear that no observation made by this Court in this order shall come in way of the State Government, taking any decision in this regard.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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