

संचिका सं०-०५/न०वि०/निर्वा०-०६/२०१७ - २७६५
बिहार सरकार
नगर विकास एवं आवास विभाग

न०वि० एवं आ० वि०

फैक्स/ई-मेल

प्रेषक,

चैतन्य प्रसाद,
प्रधान सचिव।

सेवा में,

सचिव,
राज्य निर्वाचन आयोग,
बिहार, पटना।
जिला पदाधिकारी,
पूर्वी चम्पारण (मोतिहारी)

पटना, दिनांक- 19.04.2017

19/04/2017

विषय- ढाका नगर पंचायत का आम निर्वाचन स्थगित करने के संबंध में।
प्रसंग- माननीय उच्च न्यायालय पटना द्वारा दिनांक 18-04-2017 को पारित आदेश।

महाशय,

उपर्युक्त विषय के संबंध में कहना है कि माननीय उच्च न्यायालय पटना द्वारा सी०डब्लू०जे०सी० नं० 4697/2017 (सबीला खातून बनाम् राज्य सरकार एवं अन्य) में दिनांक 18-04-2017 को पारित आदेश के आलोक में दिनांक 21 मई 2017 को निर्धारित ढाका नगर पंचायत का आम निर्वाचन स्थगित रखा जाए।

सुलभ प्रसंग हेतु उक्त मामले में माननीय उच्च न्यायालय द्वारा पारित आदेश की छायाप्रति संलग्न है।

कृपया इसे अति आवश्यक समझा जाये।

अनु०-यथोक्त।

विश्वासराजन,
19/4/2017
(चैतन्य प्रसाद)
प्रधान सचिव,

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4697 of 2017

Sabila Khatoon, Wife of Molvi Alam Resident of Mohalla- Mohabbatpur, Ward
No. 13, P.O. Dhaka, P.S. Dhaka, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The Finance Secretary, Finance Department, Government of Bihar, Patna.
4. The Director, Municipal Administration, Urban Development and Housing Department, Government of Bihar, Patna.
5. The District Magistrate, East Champaran, District East Champaran Motihari.
6. The District Panchayat Raj Officer, East Champaran at Motihari, District East Champaran, at Motihari.
7. The Sub-Divisional Officer, Sikrahna, District- East Champaran at Motihari.
8. The Executive Officer, Nagar Panchayat Dhaka, P.O. and P.S. Dhaka, District- East Champaran at Motihari.

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. B. K. Mangalam, Advocate Ms. Anita Kumari, Advocate
For the State	:	Mr. Yogendra Prasad Sinha, A.A.G. 7 Mr. R. S. Singh, A.C. to A.A.G. 7
For the Nagar Parishad	:	Mr. Rakesh Chandra, Advocate
For the Intervenor	:	Mr. Jitendra Kumar, Roy, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-04-2017

Heard learned counsel for the petitioner and State.

2. The petitioner had moved the Court for a direction to the respondent-State authorities to upgrade Dhaka Nagar Panchayat into Dhaka Nagar Parishad as was required in terms of the statutory provisions since the population of Dhaka Nagar Panchayat had exceeded 40,000 as per the official 2011 census figures.

3. Learned counsel for the petitioner submitted that in the counter affidavit on behalf of respondent No. 5, copy of the recommendation of the District Magistrate, East Champaran, Motihari

addressed to the Principal Secretary, Urban Development and Housing Department, Bihar, Patna under Letter No 347 dated 19.04.2016 has been brought on record, which contains all the requisite information in the prescribed proforma.

4. Learned counsel for the State submitted that the writ petition may be disposed off so that the concerned authorities of the State Government may take appropriate decision in terms of such recommendation.

5. In view thereof, the writ petition is disposed off with a direction to the respondent No. 2 to expeditiously take a decision on the recommendation sent by the District Magistrate, East Champaran, Motihari, as contained in his aforesaid letter dated 19.04.2016. The petitioner shall serve a copy of this order on respondent No. 2 by day after tomorrow.

6. The Court would only indicate that since the legal formalities with regard to such upgradation have not only been admitted but also complied with, the next election would be held of the upgraded Dhaka Nagar Parishad.

(Ahsanuddin Amanullah, J)

M.E.H./-

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