
Court Abbr Caseno Dated Casename Council File No PAT

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 19417 Of 2021

Messrs New Delhi Tent
House

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: March 8, 2022

Citation: Court Abbr Caseno Dated Casename Council File No PAT

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Bipin Bihari Prasad, Subhash Pd. Singh, Ghanshyam Sharma

Final Decision: Allowed

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ 1. That the instant writ petition is being filed for issuance of appropriate writ for quashing of the order issued/passed by Municipal Commissioner,

Nagar Nigam, Munger vide Memo No. 3440/Sa dated 24.11.2020 by which Messrs New Delhi Tent House Munger (Agency) has been black listed

for further three years contained in Annexure-3 as well as for quashing of the letter / Memo No. 1896/Go., dated 20.11.2020 issued by the District

Magistrate, Munger to Municipal Commissioner, Nager Nigam, Munger directing him to take step immediately for black-listing Messrs New Delhi

Tent House, Munger (Agency) contained in Annexure-1.

Order dated 11.02.2022 stands complied with.

In view of the stand taken by the respondent Nos. 3 and 4, namely, Municipal Commissioner, Nagar Nigam, Munger and Deputy Municipal

Commissioner, Nagar Nigam, Munger, which is evident from the affidavit dated 25.02.2022, filed by Shri Abadh Kishor Singh, City Manager, Nagar

Nigam, Munger, relevant contents whereof is extracted hereinunder:-

“10. That it is most humbly summated that in pursuance of the letter/order dated 20.11.2020 passed by the District Magistrate, Munger; the

Municipal Commissioner, Munger passed the order dated 24.11.2020 contained in memo no. 3440/Sa dated 24.11.2020 blacklisting the petitioner for

further 3 years which the impugned order in the present writ petition. It is humbly submitted that the aforesaid order of blacklisting has been passed by

the Municipal Commissioner in light of the order of the District Magistrate, Munger, however, no show cause was issued by the Municipal

Commissioner Munger to the petitioner before passing the aforesaid order dated 24.11.2020 of blacklisting the petitioner for further 3 years.”

We quash and set aside the impugned order dated 24th of November 2020 (Annexure-3) whereby the petitioner stands blacklisted for a period of

three years, as also the letter dated 20th of November, 2020 issued by the District Magistrate, Munger to Municipal Commissioner, Nagar Nigam,

Munger (Annexure-1).

For ready reference, order dated 24th of November, 2020 is reproduced hereinunder:-

Evidently, no prior notice, calling upon the petitioner to show cause, was ever issued.

As such, the writ petition is allowed reserving liberty to the respondents to take appropriate action in accordance with law.