

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9587 of 2003

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Nand Kumar Prasad son of Late Bhaglu Sao, resident of Mohalla-Maner, Patna
Ward no. 6, Nagar Panchayat Maner, PS-Maner, District-Patna. Petitioner/s
Versus

1. The State of Bihar.
 2. The Secretary, Department Urban Development, Govt. of Bihar, Patna.
 3. The Executive Officer, Nagar Panchayat Maner, District-Patna.
 4. Vice-Chairman, Nagar Panchayat Maner, District-Patna.
 5. Vidyadhar Vinod S/o Mehta Gadadhar Singh at Rasulpur, PO+PS-Maner, Distt.-Patna.
 6. Mina Devi W/o Sri Ramadhar Singh at Mohanpur, PO + PS-Maner, Distt-Patna
 7. Ashok Prasad Ray son of late Krishna Murari Pd., Mohalla-Char Hazar, PO + PS-Maner, District-Patna.
 8. Malti Devi wife of Ajeet Kumar Singh, Mohalla-Maner Tola, PO + PS-Maner, District-Patna.
 9. Manju Devi wife of Awadh Bihari Paswan, village-Mohinawan, Bagicha, PO + PS-Maner, District-Patna.
 10. Surendra Ram, son of Lal Deo Ram, Mohalla-Rasalpur Maner, PO + PS-Maner, District-Patna.
 11. Sushil Kumar Verma son of Nitya Nand Verma, Newati-Mohalla, PO + PS-Maner, District-Patna.
 12. Anirudh Raj son of Rameshwar Rai, resident of Rastogi Mohalla, PO + PS-Maner, District-Patna.
 13. Chandra Bhushan Mandal son of Ram Sushil Rai, Mohalla-Nai Basti, Serbhuka, PO + PS-Maner, District-Patna.
 14. Dayawanti Devi wife of Jai Prakash Prasad, Mohalla-Rasulpur, PO + PS-Maner, District-Patna.
 15. Prem Sheela Devi wife of Balik Nandan Rai, resident of village-Mahinawa, PO + PS-Maner, District-Patna.
 16. Rajiv Ranjan Singh son of Vashisth Singh, resident of village Jamunipur Mahadeo Sthan, PO + PS-Maner, District-Patna.
 17. Nagendra Kumar Singh son of Deen Dayal Singh, resident of village-Bariyatola, PO + PS-Maner, District-Patna. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Mahendra Pd. Gupta, Adv.
For the Respondent/s : Mr. Manoj Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-04-2015

In this case, the petitioner has sought the relief is as follows:-

“That the writ petition is directed for the



issuance of an appropriate writ/order or direction for the declaration that the impugned notice as contained in letter no. 68 dated 5.4.02 (Annexure-5) issued by the Executive Officer, Nagar Panchayat, Maner is ultra vires and unconstitutional of the 74th Amendment of the Constitution of India vide Article 243 R (2) (b) to call for a special meeting for no confidence motion and meeting resolution dated 10.4.2003 is ultra vires and unconstitutional and alleged removal of the petitioner from the post of Adhyaksha is void and illegal in absence of enabling provision of law which is yet to be framed by the State legislature for the purpose of Nagar Panchayat.”

The petitioner has challenged no confidence motion and the meeting dated 10th April 2003.

It is an old matter. The term of elected member must have been completed much earlier.

In such view of the matter, this petition has rendered infructuous. Accordingly, this petition is dismissed as infructuous.

(Shivaji Pandey, J)

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