

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18364 of 2013

=====

1. Usha Singh W/O Narendra Singh R/O Vill. - Baijnathpur, P.O. Pipra Pakri, P.S. Muffassil, Bettiah, West Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Panchayati Raj Deptt., Govt. of Bihar, Patna
3. The Director, Panchayati Raj Deptt. Govt. of Bihar, Patna
4. The Distt. Magistrate, West Champaran, Bettiah
5. The Sub Divisional Magistrate, Bettiah, West Champaran
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Bettiah, West Champaran
7. The Secretary, State Election Commission, Bihar, Patna
8. Mr. Madan Mohan Tiwari S/O Mr. Swamy Nath Tiwari R/O Vill. - Rani Pakri, P.O. Pipra Pakri, P.S. Muffassil, Distt. - West Champaran
9. Om Prakash Das, son of not known village-Banu Chapra, P.S. Bettiah Mufassil, district West Champaran
10. Hasantara Khatoon, wife of knot known village Poorui Kargainya
11. Nilmani Mitra son of not known village Barwat Lachu, P.S. Bettiah Mufassil District West Champaran
12. Basanti Devi, wife of not known village Lohar Pathi, P.S. Bettiah Mufassil District West Champaran
13. Chattu Baita son of knot known village Singha Chhapar, Panchayat Barauli, P.S. Bettiah Mufassil District West Champaran
14. Jai Prakash Singh, son of not known, village Barwa Loha (poomi Kargainya) P.S. Bettiah Mufassil District West Champaran
15. Krishna Kumar son of not known village Hardiya, P.S. Bettiah Mufassil District West Champaran

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Pratap Singh, Adv.

For the Respondent/s : Mr. Ajay, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 17-08-2015 The petitioner who happens to be the Ex-Pramukh of Panchayat Samiti, Bettiah in the District of West Champaran has questioned the no confidence motion passed against her in the special meeting held on 29.7.2013 inter alia on grounds that the date of special meeting had been fixed by the Block Development Officer-cum-Executive Officer who has no such jurisdiction

vested under the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as 'the Act') and on grounds of absence of seven days clear notice in between the notice and the date of special meeting.

Mr. S.K. Ranjan, learned counsel appearing for the petitioner, however, even while canvassing such issues has fairly conceded that the petitioner having been unseated in the no confidence motion had contested the election held subsequent thereto and in which she has been defeated.

Having heard learned counsel for the parties and considering that the petitioner even while questioning the no confidence motion passed against her chose to contest the fresh election so held after the no confidence motion was passed against her and in which she has been declared unsuccessful, in my opinion having taken a calculated risk to contest the fresh election of Pramukh without seeking liberty of this Court and having lost the same, the petitioner is estopped from questioning the motion passed against her on the principles of waiver and acquiescence.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

U			
---	--	--	--