

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15346 of 2015**

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Mukesh Kumar Yadav, S/o Sri Prabhu Yadav, R/o Village - Manglapur (Rajpur Manglapur), Gram Panchayat - Bariariya Tola, Rajpur, P.S. - Sangrampur, District - East Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, East Champaran at Motihari, District - East Champaran at Motihari.
5. Sub-Divisional Officer, Areraj, District - East Champaran at Motihari.
6. The Block Development Officer, Sangrampur, District- East Champaran at Motihari.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Vishwajeet Mishra  
Mr. Sanjay Kumar Pandey  
For the Respondent/s : Mr. P.K. Verma, AAG-5

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      01-10-2015

Learned counsel for the parties are present.

The petitioner prays for a direction to the respondent authorities under the Bihar Panchayati Raj Act, 2006 (hereinafter referred to as 'the Act') i.e. the District Magistrate, East Champaran at Motihari as well as the State Election Commission to order for reconstitution of the Gram Panchayat Raj Bariariya Tola and Gram Panchayat Dakshin Bariariya.

According to the petitioner, some villages of Gram Panchayat, Dakshin Bariariya Tola (Block- Sangrampur), district- East Champaran has been wrongfully included in Gram



Panchayat Bariariya Tola Rajpur (Block- Sangrampur) which includes Misir Tola and Mian Tola and some other villages. He thus prays for a direction to the authorities to exclude these villages from Gram Panchayat Bariariya Tola Rajpur and include them to form part of Gram Panchayat, Dakshin Bariariya Tola in the district of East Champaran. Be it noted that both the Panchayats fall within the Sangrampur Block of the district of East Champaran.

Mr. Vishwajeet Mishra, learned counsel appearing for the petitioner has submitted that the inclusion of these tolas in Gram Panchayat Bariariya Tola Rajpur has been made even in absence of any notification so mandated under 'the Act'.

Although even when the petitioner prays for such declaration, there is nothing on record to show that the attention of the statutory authorities empowered under section 11 of 'the Act' has been drawn to the issue raised in the backdrop of the facts discussed in the writ petition.

In the circumstances discussed and in view of the statutory provisions underlying section 11 of 'the Act' where exclusive power has been vested in the District Magistrate and/or the State Election Commission to include or exclude any village from one Gram Panchayat and for its inclusion in the

other Gram Panchayat, this writ petition is disposed of affording liberty to the petitioner to take recourse to the statutory remedy so available to him.

Considering the forthcoming Panchayat election, an expeditious disposal by the statutory authority concerned would be appreciated.

**(Jyoti Saran, J)**

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