

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14172 of 2014

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1. Kiran Devi, wife of Sri Anil Gupta, resident of village- Dhamna, P.O.- Bhakura,
P.S. and Block- Tarari, District- Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Patna
2. The Director, Directorate of Panchayati Raj, Government of Bihar, Patna
3. The Assistant Director, Directorate of Panchayati Raj, Government of Bihar, Patna
4. The District Magistrate, Bhojpur
5. The District Panchayat Raj Officer, Bhojpur
6. The Sub Divisional Officer, Piro, Sub Division Piro, Police Station- Piro, District- Bhojpur
7. The Block Development Officer, Tarari, Police Station and Block- Tarari, District- Bhojpur
8. The Officer-in-Charge, Tarari, Police Station- Tarari, District- Bhojpur
9. The Panchayat Sewak, Bhakura Panchayat, Police Station- Tarari, District- Bhojpur
10. Sri Ram Ishwar Singh son of Sri Baban Singh resident of village- Parasiya, P.O.- Bhakura, P.S.- Tarari, District- Bhojpur
11. Sri Kishan Ram, thr Up-Mukhiya, Bhakura Panchyat, resident of village- Sarphora, P.S.- Tarari, District- Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 09-03-2015

The petitioner is a member of Bhakura Gram Panchayat, Tarari Block, Bhojpur District. It is stated that serious allegations are made against the Mukhiya of the Gram Panchayat so much so an F.I.R was registered, and that he is absconding since long time.

The grievance of the petitioner is that though the Bihar

Gram Panchayat Raj Act, 2006 provides for conferment of powers of Mukhiya on an Up-Mukhiya, such steps are not being taken, and she prays for a direction to the respondents 1 to 3 to enable the 11th respondent, i.e. Up-Mukhiya to discharge the functions of Mukhiya.

Heard Sri Arun Kumar Singh, learned counsel for the petitioner and Sri Anjani Kumar, learned Additional Advocate General-VI, for the respondents.

We do not find any merit in the writ petition at all. Even if what is stated by the petitioner is true, the grievance is of the 11th respondent for not being permitted to function as Mukhiya. The concerned authorities are conferred with power to verify the matter and pass appropriate order. In the context of enabling an individual to discharge the statutory powers, intervention by third party is not at all advisable.

We, therefore, dismiss the writ petition.

Interlocutory application, if any, shall stand disposed of. There shall be no order as to costs.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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