

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.612 of 2015
IN
Civil Writ Jurisdiction Case No. 2621 of 2015**

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1. Kamlesh Prasad son of Late Sheonath Prasad, resident of Mohalla-Jangal Bazar Road, Dumraon, P.O. and P.S.- Dumraon, District- Buxer.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Collector-cum-District Magistrate, District-Buxer.
3. The Sub-Divisional Officer, Dumraon, District-Buxer.
4. The Nagar Parishad, Dumraon, through its Executive Officer.
5. The Executive Officer, Nagar Parishad, District- Buxer.
6. Poonam Devi, Ward Councilor, Ward no.22.
7. Asagari, Ward Councilor, Ward no.13.
8. Asha Devi, Ward Councilor, Ward no.26. null null
9. Chunmum Singh, Ward Councilor, Ward no.16.
10. Akhtar Hussain, Ward Councilor, Ward no.8.
11. Anil Kumar Rai, Ward Councillor, Ward no.3.
12. Nirmala Devi, Ward Councillor, Ward no.1.
13. Md. Kasamuddin, Ward Councillor, Ward no.18.
14. Bhushan Kumar gond, Ward Councillor, Ward no.10.
15. Mohan Mishra, Ward Councillor, Ward no.15.
16. Dhiraj Kumar, Ward Councillor, Ward no.23.
17. Malti Devi, Ward Councillor, Ward no.11.
18. Narshingh Yadav, Ward Councillor, Ward no. 14.
19. Pawan Kumar Rajak, Ward Councillor, Ward no.4.
20. Budhiya Devi, Ward Councillor, Ward no.25.
21. Prem Prakash, Ward Councillor, Ward no.9. All of them are Ward Councillors of Nagar Parishad, Dumaron, District-Buxer.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nitya Nand Mishra, Advocate

For the Respondent/s : Mr. S.B.K. Mangalam, Advocate.

Mrs. Anita Kumari, Advocate

For the State : Mr. K.K. Singh, AC to SC 4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2015

This appeal is preferred against the order dated

13.3.2015 passed by the learned Single Judge in C.W.J.C. No.2621 of 2015 as well as the interlocutory application filed therein. An interlocutory application is filed in this appeal challenging the notice of no confidence motion dated 25.3.2015 and subsequent notice.

Heard learned counsel for the appellant and the respondents.

The subject matter of the writ petition was the motion of no confidence that was carried out against the appellants on 4th February 2015. The writ petition was disposed of on 13.3.2015 setting aside the no confidence motion but leaving it open to the requisitionists, to move a motion of no confidence afresh. The appellant felt aggrieved by certain observations made by the learned Single Judge.

The need for us to deal with contentions advanced by the appellant is obviated on account of the fact that the motion of no confidence was carried out against the appellant on 30th March, 2015. On scrutiny made by us, we find that said motion of no confidence was taken up independent of the orders of this Court. If the appellant intends to challenge those proceedings it must be through a separate writ petition.

We, therefore, dismiss the appeal and leave is open to the appellant to pursue the remedy available to him in accordance with law.

(L. Narasimha Reddy,CJ)

(Shivaji Pandey, J)

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