

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14390 of 2015

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Ramsewak Yadav, Son of Sri Rameshwar Yadav, Resident of Village – Fatehpur, Post Mali, Police Station - Sonbarsa Raj, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar, Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Commissioner, Koshi Range, Saharsa.
4. The Deputy Director, Panchayati Raj, Koshi Division, Saharsa.
5. The District Magistrate, Saharsa.
6. The Deputy Development Commissioner, Saharsa.
7. The Sub Divisional Officer, Saharsa Sadar, Saharsa.
8. The Block Development Officer, Sonbarsa Raj, Saharsa.
9. Smt. Savitri Devi, Mukhiya, Gram Panchayat Paraiya, Wife of Haradeo Mukhiya, Resident of Village and Post Maina, Police Station - Sonbarsa Raj, District – Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh

For the Respondent/s : Mr. Shashi Shekhar Pd. Sinha, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 21-09-2015 Heard Mr. Satish Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Shashi Shekhar Prasad Sinha, learned Assisting Counsel to Government Advocate No.13 for the State.

The petitioner has prayed for issuance of a writ in the nature of mandamus to the respondent authorities in the Department of Panchayati Raj to take appropriate steps for removal of the private respondent no.9 who is elected Mukhiya of Gram Panchayat, Parariya in the district of Saharsa.

Although it is stated by Mr. Singh that some kind of enquiry was made as is manifest from Annexure-10 to the writ petition but he fairly admits that no proper application was filed either before the District Magistrate, Saharsa or before the Principal Secretary, Panchayati Raj Department for initiating proceedings against the private respondent under section 18(5) of the Bihar Panchayat Raj Act, 2006.

In the circumstances, this writ petition is disposed of preserving liberty for the petitioner, if so advised, to file an application along with the supportive details and it goes without saying that any such application filed by the petitioner before the District Magistrate, Saharsa and/or the Principal Secretary of the Department of Panchayati Raj shall be considered and disposed of in accordance with law but only after hearing the private respondent no.9.

(Jyoti Saran, J)

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