

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6921 of 2011

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Bhubhaneshwar Yadav son of Late Malhori Yadav, resident of village-Salaiya P.S. Banka, district Banka

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna
2. The Secretary, Gram Kachari, village-Bahera, Banka
3. Sarpanch, Gram Kachari village Behera, Banka
4. Pachia Devi wife of Late Malhori Yadav
5. Arjun Yadav
6. Chutar Yadav
7. Mahadev Yadav
8. Panchu Yadav respondent nos. 5 to 8 are sons of Late Malhori Yadav
Sl. No.4 to 8 are residents of village Salaiya P.S. Banka, district Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddhartha Prasad

For the Respondent/s : Mr. N.K.Singh GP-26

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

5 16-09-2015 Heard counsel for the petitioner and the State.

A counter affidavit has been filed on behalf of respondent nos. 1 and 2.

The writ application seeks a direction restraining the Sarpanch of Gram Kachari, village Bahera in the district of Banka to forbear from proceeding further in Case No. 01/2000 (Pachia Devi and Ors. Vs. Bhuneshwar Yadav). It is submitted that the plaint (Annexure-2) raises a serious question of title which cannot be adjudicated by the Gram Kathari. Learned counsel for the petitioner referred to the provisions contained in sections 110 and

111 of the Panchayati Raj Act, 2006 in support of the said submission. Provisions contained in section 111(g) and section 110 deal with the exclusive jurisdiction of Gram Kachari.

Counsel for the State, on the other hand, submits that the petitioner should have approached the Gram Kachari itself and raised the said objection for consideration and disposal. Without doing so the writ petition has been filed.

Having heard the parties, in my view, the petitioner should file an objection in the said proceeding pending before the Gram Kachari and raise the question of maintainability for consideration and adjudication by the Gram Kachari itself in accordance with law.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

HR/-

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