

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.8869 of 2015**

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1. Barho Mahto, Son of Late Bhola Mahto.
  2. Chandrabhushan Prasad, Son of Late Deonath Mahto.
  3. Anandi Mahto, Son of Late Gopi Mahto.
  4. Subodh Kumar, Son of Ayodhya Pd. Chaurasia.
  5. Krishna Ram, Son of Late Lakhan Rajvanshi.
  6. Mithlesh Kumar, Son of Late Raghunandan Chaurasia.
  7. Krishna Prasad, Son of Late Jagdish Mahto.
  8. Pintu Kumar Singh, Son of Late Mahendra Pd. Singh.
  9. Birju Chaurasia, Son of Late Ishwari Chaurasia.
  10. Manoj Chaurasia, Son of Late Jagdish Chaurasia.
  11. Nunu Pandit, Son of Late Mauji Pandit.
  12. Bishwananth Prasad Verma, Son of Late Badri Mahto. All residents of Village and Post - Tungi, Block - Hisua, District - Nawada.

.... .... Petitioners

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Range, Gaya.
4. The District Magistrate & Collector, Nawada.
5. The Deputy Development Commissioner, Nawada.
6. The District Panchayati Raj Officer, Nawada.
7. The Sub-Divisional Magistrate, Nawada.
8. The Block Development Officer, Tungi, District- Nawada.
9. Sri Binod Kumar, at present Mukhiya, Gram Panchayat Raj, Tungi, P.O. - Tungi, Block - Hisua, District - Nawada.

.... .... Respondents

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**Appearance :**

For the Petitioners : Mrs. Asha Verma, Advocate

For the Respondent Nos.1 & 2-8 : Mr. Anjani Kumar, A.A.G.-6

For the Respondent No.9 : Mr. Raghwanand, Advocate

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

**Date: 17-09-2015**

Heard Mrs. Asha Verma, learned counsel, appearing on behalf the petitioners, Mr. Anjani Kumar, learned Additional Advocate General-6, appearing on behalf of the respondent Nos.1 and 2 to 8 and Mr. Raghwanand, learned counsel, appearing on behalf of the respondent No.9.

**2.** This writ application has been filed, in the nature of Public Interest Litigation, under Article 226 of the Constitution of India, seeking issuance of a direction to the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna, to exercise the power vested in him, under Section 18 (5) of the Bihar Panchayati Raj Act, 2006 (**hereinafter referred to as the "Act"**) and remove respondent No.9 from the post of Mukhiya of the Gram Panchayat Raj, Tungi, District-Nawada. The relief,



sought for in the writ application, is based on a communication made by the District Magistrate, Nawada, dated 03.01.2015, to the Principal Secretary, Panchayati Raj Department, Bihar, Patna, whereby removal of respondent No.9 has been recommended, on the ground of certain alleged omission and commission in performance of the duties, as the Mukhiya of Gram Panchayat Raj, Tungi.

**3.** A counter affidavit has been filed, on behalf of the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna, bringing on record a communication, dated 16.09.2015, addressed to the respondent No.9, whereunder 29.09.2015 has been fixed as the date of hearing in the light of the said recommendation made by the District Magistrate, Nawada, for removal of respondent No.9 from the post of Mukhiya in exercise of power under Section 18 (5) of the Act.

**4.** Learned Additional Advocate General-6, Mr. Anjani Kumar, appearing on behalf of the respondent Nos.1 and 2 to 8, submits that the grievance of the petitioners no more survives inasmuch as the competent authority, i.e., the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna, has already proceeded in the matter in accordance with the provisions contained in Section 18 (5) of the Act.

**5.** Mr. Raghwanand, learned counsel, has entered appearance on behalf of the respondent No.9 and submitted that having learnt about communication, dated 16.09.2015, issued by the office of Principal Secretary, Panchayati Raj Department, which requires the presence of respondent No.9 on 29.09.2015, the respondent No.9 may be directed to appear for hearing and present his case.

**6.** In view of the above, this writ application is disposed of with a direction to respondent No.2, the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna, to expeditiously dispose of the proceeding, in question, preferably, within a period of two months from today, initiated against respondent No.9, the Mukhiya, Gram Panchayat Raj, Tungi, bearing in mind the provisions embodied in Section 18 (5) of the Act in accordance with law.

**(I. A. Ansari, ACJ.)**

**(Chakradhari Sharan Singh, J.)**

Praveen-II/-

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