

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16203 of 2013

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Md. Faiyaz Ahmad Son Of Late Abdul Manjhi Resident Of Village - Hirdaychak,
Police Station - Kaler, District - Arwal

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
3. The Collector, Arwal
4. The Block Development Officer, Kaler, Arwal
5. The Head Master, Teri Hari High School, Teri, Kaler, Arwal
6. Teri Gram Panchayat through Its Panchayat Secretary, Teri Kaler, Arwal

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ANAND KUMAR OJHA

For the Respondent/s : Mr. P.K. VERMA

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 16-05-2016

Heard Mr. A. K. Ojha for the petitioner, the State as well as
the intervenor respondent.

The writ application assails the order of the District
Magistrate dated 27.06.2013 (Annexure-7) issued in the file No.
01/DM/Panchayat/2013 in the light of the order dated 15.05.2013
passed in CWJC No. 7152 of 2013 (Annexure-1). The writ application
was disposed of granting liberty to the petitioner to file a representation
before the Collector for consideration and disposal in accordance with
law. By the said order, the District Magistrate refused to accede to the
request of the petitioner, a resident of village Hirdaychak which has the
headquarter of another Gram Panchayat namely Teri Gram Panchayat
carved out from Hirday Chak Gram Panchayat for allowing the

headquarter of Teri Gram Panchayat at Hirday Chak. The District Magistrate, On a consideration of the materials on record and particularly an order which was passed in respect of the same grievance in 1995, rejected the said application.

The contention of the petitioner is that the order is not in accord with the order of this Court. Diverse papers were placed including the resolution of the residents/voters of both the Gram Panchayat that the headquarters of Teri Gram Panchayat should remain at Hirday Chak.

On going through the order, it appears that the District Magistrate took into consideration diverse materials including the population etc. of the Teri Gram Panchayat in order to reject the prayer of the petitioner to direct that the headquarters of the Teri Gram Panchayat should remain in village Hirday Chak which again is the headquarter of Hirday Chak Gram Panchayat. It does not stand to reason how the headquarters of two Gram Panchayat can be at one place or at one centre. That apart, the District Magistrate has stated that the issue raised in the writ application was also raised earlier when under the orders of the Hon'ble Court vide order dated 19.09.1995 (Annexure-2) the same was considered and relief declined by order dated 27.11.1995 passed in Case No. 02 of 1995 finding no justification for shifting the headquarters of Teri Gram Panchayat to Hirday Chak Gram Panchayat. Such an issue having been decided in 1995 and diverse election processes undergone thereafter should not be allowed to be reopened. If there are two Gram Panchayats the headquarter of each Gram Panchayat must be within the territorial jurisdiction of the Gram

Panchayat.

This Court does not find any patent illegality in the order meriting interference. The application is dismissed.

(Kishore Kumar Mandal, J)

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