

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

**Civil Writ Jurisdiction Case No.18352 of 2016**

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Smt. Radha Singh wife of Tripurari Singh Resident of Ward No.13, Shivabigha,  
Nabinagar Nagar Panchayat, P.S.- Nabinagar, District- Aurangabad.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. The Director-cum-Joint Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad, District- Aurangabad.
4. The Sub-Divisional Officer, Aurangabad, District- Aurangabad.
5. The Senior Deputy Collector, Aurangabad, District- Aurangabad.
6. The In-charge Officer, District Confidential Section, Aurangabad, District- Aurangabad.
7. The Executive Officer, Nagar Panchayat, Aurangabad, District- Aurangabad.
8. Pradeep Kumar Singh Son of Suresh Singh Resident of Thana Road, Nabinagar, P.S.- Nabinagar, District- Aurangabad.
9. Smt. Renu Devi wife of Girish Singh Resident of Nabinagar, Nagar Panchayat, P.S.- Nabinagar, District- Aurangabad.
10. Smt. Dhanwa Devi wife of Krishna Rajak Ward Councilor of Nabinagar, Nagar Panchayat, P.S.- Nabinagar, District- Aurangabad.
11. Santosh Kumar Son of Kamdeo Singh Ward Councilor of Nabinagar, Nagar Panchayat, P.S.- Nabinagar, District- Aurangabad.
12. Sanjay Ram Son of Bhuneshwar Ram Ward Councilor of Nabinagar, Nagar Panchayat, P.S.- Nabinagar, District- Aurangabad.

.... .... Respondent/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. S. B. K. Mangalam with<br>Mr. Sanjeev Nikesh, Advocates |
| For the State            | : | Mr. Kinkar Kumar, SC 9 with<br>Mr. Yogesh Kumar, AC to SC 9 |
| For the Respondent No. 7 | : | Mr. Raj Kumar Rajesh, Advocate                              |
| For the Respondent No. 8 | : | Mr. A. R. Pandey with<br>Mr. S. S. Tiwary, Advocates        |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 15-09-2017**

Heard learned counsel for the petitioner; State;  
respondent no. 7 and respondent no. 8.

2. The petitioner has moved the Court for the following



reliefs:

*“I. For issuance an appropriate in the nature of CERTIORARI for setting aside/quashing the letter No. 2937, dated 06.05.2016 issued under signature of Respondent No. 2 whereby and where under he has been pleased to direct the Respondent No. 3 to make an enquiry on the complaint of Respondent No. 8 which is in complete departure of Bihar Municipal Act, 2007 (as amended).*

*II. For issuance an appropriate in the nature of CERTIORARI for setting aside/quashing the enquiry report conducted by a joint committee of Sr. Deputy Collector, Aurangabad, Sub Divisional Officer, Aurangabad and In-charge Officer, District Confidential Section, Aurangabad dated 11.06.2016 (Annexure-5) because it is contrary to Section 66 of the Bihar Municipal Act, 2007 (as amended).*

*III. For issuance of an appropriate writ in the nature of Prohibition restraining the Respondent Authorities especially Respondent No. 1 to not proceed against the Petition under Section 25 (5) of the Bihar Municipal Act, 2007 (as amended) on the basis of aforesaid joint committee report dated 11.06.2016 (Annexure-4) because for collective responsibility election of anyone cannot to be held as void.*

*IV. For issuance of an appropriate writ in the*



*nature of 'MANDAMUS' commanding and directing the Respondent Authorities to make an fresh enquiry on the basis of compliant made by Respondent No. 7 to 10 in terms of Section 66 of the Bihar Municipal Act, 2007 (as amended) and till then joint committee report dated 11.06.2016 be kept in abeyance.*

*V. For issuance of any other appropriate writ/writs, order/orders, direction/directions, relief/reliefs to which the Petitioner is found to be entitled in the facts and circumstances of the case."*

3. At the very outset, learned counsel for the petitioner very fairly stated that though the issue relates to removal of the petitioner from the post of Chairman of Nagar Panchayat, Nabinagar, but due to efflux of time, she not only continued on the post but the term having expired, fresh elections have also been held and the post is now occupied by another newly elected representative. He, thus, submitted that in such view of the matter, for all practical purposes, the writ petition has become infructuous. However, he prayed that the Court may protect the interest of the petitioner so that she does not suffer due to disposal of the present writ application, particulalry with regard to any action which may have been taken connected to the present *lis*.



5. Learned counsel for the respondents did not oppose the prayer of the petitioner that she may not be prejudiced in any other proceeding connected with the present *lis* due to disposal of the present writ petition.

6. In view thereof, the writ petition stands disposed off with the observation that the same shall not prejudice the petitioner in any other *lis* or proceeding pending before any other authority/court/forum with regard to the issue involved in the present writ application.

**(Ahsanuddin Amanullah, J)**

Anjani/-

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