

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.197 of 2017
In
Civil Writ Jurisdiction Case No. 15545 of 2016**

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Rajesh Kumar, Ward member, Ward No. 11, Tikari Nagar Panchayat
Resident of Mohalla- Deodharpur front of Nagar Palikan School, P.O. +P.S.
Tikari, District- Gaya.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing , Bihar at Patna.
2. The Executive Officer, Tikari Nagar Panchayat, Gaya.
3. Niru Kumari, Wife of Nandlal Prasad, Vice Chairman, resident of Village- Titaiganj, P.O. +P.S. - Tikari, District- Gaya.
4. Murli Manohar Prasad, Son of Satyadev Prasad, Ward Member, Ward No. 7, Tikari Nagar Panchayat, Resident of Mohalla- Andarkila, P.O.+P.S.- Tikari, District- Gaya.
5. Md. Firoj Alam, Ward Member, Ward No. 12, Tikari Nagar Panchayat, Resident of Mohalla- Chawni, Beldar Tola, P.O.+P.S.- Tikari, District- Gaya.
6. Upendra Kumar, Ward Member, Ward No. 09, Tikari Nagar Panchayat, Resident of Mohalla- Andarkila, P.O.+P.S.- Tikari, District- Gaya.
7. Rajendra Prasad Gupta, Ward Member, Ward No. 01, Tikari Nagar Panchayat, Resident of Mohalla- Titrganj, P.O.+P.S.- Tikari, District- Gaya.
8. Shanti Devi, Ward Member, Ward No. 13, Tikari Nagar Panchayat, Resident of Mohalla- Vivekanand Colony, P.O.+P.S.- Tikari, District- Gaya.
9. Dulariya Devi, Ward Member, Ward No. 03, Tikari Nagar Panchayat, Resident of Mohalla- Dahiyar Tola, Raniganj, P.O.+P.S.- Tikari, District- Gaya.
10. Baliram Prasad, Ward Member, Ward No. 02, Tikari Nagar Panchayat, Resident of Mohalla- Andarkila, P.O.+P.S.- Tikari, District- Gaya.
11. Rupa Devi, Wife of Kamlesh Prasad, Ward Member, Ward No. 08, Tikari Nagar Panchayat, Resident of Mohalla- Rikabganj, P.O.+P.S.- Tikari, District- Gaya.
12. Chandrawati Devi, Ward Member, Ward No. 05, Tikari Nagar Panchayat, Resident of Mohalla- Rikabganj, P.O.+P.S.- Tikari, District- Gaya.
13. Rako Khatoon, Ward Member, Ward No. 10, Tikari Nagar Panchayat, Resident of Mohalla- Chawni, Beldar Tola, P.O.+P.S.- Tikari, District- Gaya.
14. Sindhu Jain, aged about 38 years Wife of Sanjay Kumar Jain Resident of Mohalla- Rakabganj, P.S.-Tekari ,District- Gaya Currently (Posted as Chairman, Tekari Nagar Panchayat, Gaya.

.... Respondents



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Appearance :

For the Appellant : Mr. Anil Kumar, Advocate.

For the Respondents : Mr. Yogendra Prasad Sinha-A.A.G.7.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 22-03-2017 Heard on the question of admission of this appeal under Clause 10 of the Letters Patent Appeal.

A 'No Confidence Motion', was passed for removal of an elected Chairman of Nagar Panchayat, Tekari, fixing the motion for hearing on 15.09.2016 and after having gone through the records and heard all concerned, a finding has been recorded by the learned Writ Court that 07 days clear notice as contemplated under Rule 2(i) of the statutory Rules, namely, 'The Bihar Municipal No Confidence Motion Process Rules, 2010' has not been issued and finding that there is statutory violation in issuing of notice for conducting of the meeting for considering the 'No Confidence Motion', the writ application is allowed by setting aside the 'No Confidence Motion'.

We find no error in the aforesaid order passed by the learned Writ Court. The finding recorded by the learned Writ Court goes to show that the notice of motion was not given within the statutory period of 07 days and, therefore, no case for



interference is made out.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

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