

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1563 of 2017

Urmila Devi, wife of Shri Vinay Kalifa, Resident of Shankardih, Ward No. 7,
P.O. & P.S. Parsa, District- Saran (Chapra)

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development Department, Government of Bihar, Patna
2. The Bihar State Election Commission through the Election Commissioner, Patna, Bihar
3. The District Magistrate, Saran, Chapra
4. The Executive Officer, Nagar Panchayat, Parsa Bajar, Saran
5. Smt. Sangita Devi, wife of Amkar Nath Mahto, Councilor, Ward No. 1 Nagar Panchayat Parsa Bajar, Saran
6. Mrs. Aisa Khatoon, wife of Gaffar Mian, Councilor, Ward No. 2, Nagar Panchayat, Parsa Bajar, Saran
7. Sri Bhagwan Manjhi, son of Late Tilak Manjhi, Councilor, Ward No. 3, Nagar Panchayat Parsa Bajar, Saran
8. Sri Amar Nath Das, son of Lakshman Das, Councilor, Ward No. 4, Nagar Panchayat Parsa Bajar, Saran
9. Sri Devendra Kuar, son of Late Chdradeo Kuar, Councilor, Ward No. 5, Nagar Panchayat Parsa Bajar, Saran
10. Smt. Sumanti Devi, wife of Binod Das, Councilor, Ward No. 6, Nagar Panchayat, Parsa Bajar, Saran
11. Sri Ashok Kumar, son of Chandeshwar Sah, Councilor, Ward No. 7, Nagar Panchayat Parsa Bajar, Saran
12. Sri Shiv Kuamr Singh, son of Late Binda Singh Councilor, Ward No. 8, Nagar Panchayat Parsa Bajar, Saran
13. Mrs. Dhanwati Kumari, wife of Sri Ranjan Kumar Prasad, Councilor, Ward No. 9, Nagar Panchayat Parsa Bajar, Saran.
14. Smt. Kishori Devi, wife of Sri Rupam Thakur, Councilor, Ward No. 10, Nagar Panchayat Parsa Bajar, Saran
15. Smt. Chhathia Devi, wife of Bhukhal Rai, Councilor, Ward No. 11, Nagar Panchayat Parsa Bajar, Saran.
16. Sri Punit Mahto, son of Harendra Mahto, Councilor, Ward No. 12, Nagar Panchayat Parsa Bajar, Saran
17. Smt. Sangita Devi, wife of Devnath Sah, Councilor, Ward No. 13, Nagar Panchayat Parsa Bajar, Saran.
18. Smt. Budhia Devi, wife of Dharmnath Rai @ Dharmbeyas, Councilor, Ward No. 14, Nagar Panchayat Parsa Bajar, Saran.
19. Smt. Laldei Devi, wife of Raghubash Rai, Councilor, Ward No. 15, Nagar Panchayat Parsa Bajar, Saran
20. Sri Shiv Prasad Rai, son of Late Jamu Rai, Councilor, Ward No. 16, Nagar Panchayat Parsa Bajar, Saran
21. Mrs. Mahe Pravin wife of Mahd. Sahjad, Councilor, Ward No. 17, Nagar Panchayat Parsa Bajar, Saran
22. Smt. Ranju Sukla, wife of Sanjay Sukla, Councilor, Ward No. 18, Nagar Panchayat Parsa Bajar, Saran
23. Sri Satendra Kumar Rai, son of Sri Sheyambabu Rai, Councilor, Ward No. 19, Nagar Panchayat, Parsa Bajar, Saran



24. Mr. Sainudin son of Gafar Mian, Councilor, Ward No. 20, Nagar Panchayat, Parsa Bajar, Saran
25. Sri Krishna Rai, son of Bishwanath Rai, Councilor, Ward No. 21, Nagar Panchayat Parsa Bajar, Saran

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.B.K. Mangalam, Advocate
For the State	:	Mr. Rakesh Ambastha, A.C. to AAG-7
For State Election Commission:		Mr. Amit Shrivastava, Advocate
For Respondent No. 4	:	Mr. Prashant Sinha, Advocate.
		Mr. Bindhyachal Singh, Advocate
For Private Respondent	:	Mr. Satya Prakash, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-12-2017

This appeal has been filed against an order passed in the writ petition with regard to holding of a meeting on a No Confidence Motion raised by certain persons. In Paragraph 8 of the order learned Writ Court notes that on the basis of there being consensus at the Bar and for the ends of justice and also for balancing equities, the writ petition has been disposed of in the manner done.

Once the appellant is a party having consented to the manner in which the writ petition is disposed of, this appeal at the instance of the appellant after giving her consent is not maintainable. In case the appellant feels that the consent was granted incorrectly or on extraneous consideration, it is for the appellant to apply to the Writ Court and seek review or recall of



the order. Now, once the Writ Court passes the order on the basis of the consent given, we are not inclined to interfere into the matter.

With the aforesaid observation and liberty to the appellant, the matter stands disposed of. Interim order with regard to declaration of result also stands vacated. In case the No Confidence Motion has been carried away and the appellant is still aggrieved by the subsequent development, liberty shall be available to the appellant to challenge the same, if permissible under law.

With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	18.12.2017
Transmission Date	

