

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3026 of 2011

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Arun Mahto @ Arun Kumar Mahto, son of Ganga Mahto, resident of village- Ram
Nagar, P.S- Biraul, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayat Raj, Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. District Panchayati Raj Officer, Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : None.

For the Respondent : Mr. Anjani Kr Sharan SC-9

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 10-09-2018

Despite repeated calls, no one appears for the petitioner.

However, learned counsel for the State is present.

2. Heard learned counsel for the State and perused the
record.

3. In the instant writ petition, the petitioner has prayed for
quashing letter no. 107 dated 01.02.2011 written by the District
Magistrate, Darbhanga to the Principal Secretary, Panchayati Raj,
Bihar, Patna whereby he has recommended to take proper action
against the petitioner under amended Section 18(5) of the Bihar
Panchayt Raj Act, 2007.



4. On perusal of the record, I find that one Vinay Kumar, resident of village- Ahilbara had filed a complaint on 11.11.2009 annexing some documents in support of complaint before the before the District Panchayati Raj Officer, Darbhanga alleging therein that the petitioner is using three different names as Arun Mahto, Arun Kumar Mahto and Arun Chaudhary and having two different dates of birth, which is unconstitutional and demanded his removal from the post of Mukhiya. After receiving the said complaint, the District Panchayati Raj Officer, Darbhanga directed the Deputy Collector Land Reforms, Biraul, vide letter dated 24.11.2009, to make an enquiry and submit his report. In compliance of the same, the Deputy Collector Land Reforms, Biraul made an enquiry and submitted his report dated 04.06.2010 whereby and whereunder the allegation of the complainant was found true. The petitioner had passed his matriculation examination in the year 1998 with the name of Arun Kumar Choudhary, son of Gango Chaudhary having date of birth recorded as 20.04.1982. Once again, he passed the matriculation examination in the year 2002 with the name of Arun Kumar Choudhary, son of Gango Chaudhary having date of birth as 16.01.1986. After taken into consideration the complaint as well as detailed enquiry report submitted by the Deputy Collector Land Reforms, Biraul, the District Magistrate, Darbhanga recommended



for taking action against the petitioner under the amended Section 18(5) of the Bihar Panchayat Raj Act, 2007 vide letter no. 107 dated 01.02.2011.

5. Respondent nos. 3 & 4 have also filed a counter-affidavit in this matter after serving a copy of the same to the counsel for the petitioner long back, but no rejoinder to the counter-affidavit has been filed. The statements made in the counter-affidavit are, thus, not rebutted.

6. In that view of the matter, I do not find any merit in this writ petition. The writ petition is dismissed, accordingly.

(Ashwani Kumar Singh, J)

Kanchan/Sneha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.09.2018
Transmission Date	

