

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13597 of 2018

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Neelu Devi, wife of Harendra Kumar, at present Member, Zila Parishad,
Aurangabad, Resident of Village-Obera, P.S.- Obera, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Aurangabad, District- Aurangabad.
4. The Dy. Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Aurangabad
5. Nitu Singh, wife of Sanjay Kumar, at present Adhyaksha Zila Parishad, Aurangabad, resident of Village-Makhdumpur, P.O.-Rafiganj, Panchayat-Karap, District-Aurangabad.
6. Mahipat Ram Son of Soudagar Ram at present Up-Adhyaksha, Zila Parishad, Aurangabad, Resident of Village- Shivnathh Bigaha, P.O. +P.S.- Madanpur, District- Aurangabad.
7. Ram Krishna Kumar, Son of Satya Narayan Pandey, at Present Member of Zila Parishad, Aurangabad, Resident of Village+ P.O. -Shamsernagar, Block- Daudnagar, District- Aurangabad.
8. Shila Devi Wife of Vijay Kumar Singh at present Member of Zila Parishad, Aurangabad, Resident of Village+P.O.-Bhakharuan, P.S. Daudnagar, District- Aurangabad.
9. Shivratiya Devi Wife of Ramshraya Prasad at present Member of Zila Parishad, Aurangabad, Resident of Village- Uchit Bigha, P.O. Itwan, P.S. Haspura, District- Aurangabad.
10. Sunita Kumar, Wife of Satish Kumar at present Member of Zila Parishad, Aurangabad, Resident of Village- Tihul Bigha, P.O. Sihari, P.S.- Haspura, District- Aurangabad.
11. Kumari Anupam Sinha Wife of Pramod Kumar Singh at present Member of Zila Parishad, Aurangabad, Resident of Village +P.O.- Hichhan Bigaha, P.S.- Daudnagar, District- Aurangabad.
12. Sangita Singh Wife of Rajesh Kumar at present Member of Zila Parishad, Aurangabad, Resident of Village +P.O. -Dradha, P.S.-Goh, District- Aurangabad.
13. Jayanti Devi, Wife of Arvind Sharma at present Member of Zila Parishad, Aurangabad, Resident of Village-Neyamatpur, Tole- Shahpur, P.O.- Fag, P.S.- Goh, District- Aurangabad.
14. Shankar Yadav, Son of Nageshwar Yadav at present Member of Zila Parishad, Aurangabad, Resident of Village-Baheri Khap, P.O. War, P.S.- Madanpur, District- Aurangabad.
15. Nasrin Nisha, Wife of Md. Shahid Husain at present Member of Zila Parishad, Aurangabad, Resident of Village-Batavan Tole Husainganj, P.O. Ramchandra Nagar, P.S. -Jamhore, District- Aurangabad.
16. Asif Shah, wife of Rajak Shah, at present Member of Zila Parishad, Aurangabad, Resident of Village+P.O.- Jakhim, P.S.+Block- Rafiganj, District- Aurangabad.



17. Shila Devi Wife of Ranjit Singh at present Member of Zila Parishad, Aurangabad, Resident of Village +P.O. - Devkali, P.S.-Daudnagar, District- Aurangabad.
 18. Saroj Devi Wife of Rajeshwar, at present Member of Zila Parishad, Aurangabad, Resident of Village+P.O.-Dhangain, P.S.-Obra, District- Aurangabad.
 19. Vijanti Kumari, Wife of Satyendra Kumar at present Member of Zila Parishad, Aurangabad, Resident of village-Mitraj, P.O.-Sonnagar, P.S. Barun, District- Aurangabad.
 20. Anil Kumar Son of late Daroga Yadav at present Member of Zila Parishad, Aurangabad, Resident of village-Ora, P.O. Kanbehari, P.S. +District- Aurangabad.
 21. Sunita Devi Wife of Dhanjay Kumar Singh at present Member of Zila Parishad, Aurangabad, Resident of village-Santhua, P.O.-Yogiya, P.S. Risiup, District- Aurangabad.
 22. Kavita Devi Wife of Raj Kumar Gupta at Present Member of Zila Parishad, Aurangabad, Resident of village-Kanker, Post- Badem, Block- Nabinagar, District- Aurangabad.
 23. Baijnath Paswan Son of Mungeshwarf Paswan at present Member of Zila Parishad, Aurangabad, Resident of village-Bhatwa Bhagli, Post- Jatar, P.S.-Nabinagar, District- Aurangabad.
 24. Dhanvati Dev, Wife of Naresh Ram at present Member of Zila Parishad, Aurangabad, Resident of village-Ramnagar Mahuari, Post- Karma Lahang, P.S.- Tandwa, District- Aurangabad.
 25. Ajay Bhuiyan Son of Chano Bhuiyan at present Member of Zila Parishad, Aurangabad, Resident of village-Bhaluadi Kala, P.O. Baliya, P.S.- Kutumb, District- Aurangabad.
 26. Suman Kumari Wife of Sujeet Kumar at present Member of Zila Parishad, Aurangabad, Resident of village-Bhaluadi Kala, P.O. Baliya, P.S.- Kutumba, District- Aurangabad.
 27. Geeta Devi Wife of Krishna Singh at present Member of Zila Parishad, Aurangabad, Resident of village +P.O. Bedauli, P.S. Amba, District- Aurangabad.
 28. Shashi Bhushan Sharma Son of Ram Prasad Sharma at present Member of Zila Parishad, Aurangabad, Resident of village-Chatra, P.O. -Silar, P.S. Muffasil, District- Aurangabad.
 29. Kunti Devi Wife of Mathura Singh Bhokta at Present Member of Zila Parishad, Aurangabad, Resident of village-Sahari, P.O. Pachokar, P.S. Dev, District- Aurangabad.
 30. Rekha Devi Wife of Ravindra Paswan at Present Member of Zila Parishad, Aurangabad, Resident of village +P.O. Pachokar, P.S. Dev, District- Aurangabad.
 31. Dinanath Vishwakarma Son of Dawarik Vishwakarma at Present Member of Zila Parishad, Aurangabad, Resident of village-Pranpur, P.O. Panti, P.S. Kasma, Block- Rafiganj, District- Aurangabad.
- Respondent No. 5 to 31 are elected members of Zila Parishad Aurangabad represent through the Dy. Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Advocate
Mr. Sanjeev Nikesh, Advocate
For the Respondent-State : Mr. Satyeshwar Prasad, AC to SC-7
For the Respondent No.20 : Mr. P.K. Shahi, Senior Advocate
Mr. Mukesh Kumar, Advocate
For the Respondent No.5 : Mr. Nikesh Kumar, Advocate
For the Respondent nos.7,8, : Mr. Rajeev Ranjan, Advocate
10, 11, 12, 13, 17, 19, 21, 26,
29 and 30

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-08-2018 This writ petition has been filed by the petitioner for quashing the undated letter filed by the members of the Zila Parishad addressed to respondent no.5 whereby and whereunder the members of the Zila Parishad, Aurangabad filed a requisition on 09.07.2018 to call special meeting against respondent no.5, who is Adhyaksha of the Zila Parishad. The petitioner has also prayed for quashing the letter dated 10.07.2018 issued under the signature of the Chief Executive Officer, Zila Parishad, Aurangabad whereby and whereunder he has issued notice to members to attend the special meeting of Zila Parishad on 16th July, 2018 to consider no confidence motion against respondent no.5.

At the outset, it has been brought to the notice of the Court that the special meeting scheduled to be held on 16.07.2018 has been stayed by the Up-Adhyaksha, as the same



was not in accordance with law.

In that view of the matter, in the opinion of this Court,
no cause of action survives. Accordingly, the writ petition is
disposed of as infructuous.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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