

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.542 of 2018

In
Civil Writ Jurisdiction Case No.2058 of 2017

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Lalita Devi W/o Sri Jawahar Baitha, R/o Village- Mahipur Bhataura, P.S.-
Bagaha, District- West Champaran at Bettiah.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Deputy Development Commissioner, West Champaran at Bettiah.
5. The Sub-Divisional Magistrate, Bagaha, District- West Champaran at Bettiah.
6. The Block Development Officer, Bagaha-1, District- West Champaran at Bettiah.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Raghunandan Kumar Singh, Advocate
For the Respondent/s : Mr. Pushkar Narayan Sahi - AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-04-2018

Delay of 100 days in filing of the appeal is condoned
and I.A. No.3062 of 2018 is allowed and disposed of.

Petitioner, claiming to be the Pramukh of Panchayat
Samiti, filed the writ petition in question seeking a mandamus to
the authorities of the State Government for release of fund to the
Panchayat Samiti for construction of a P.C.C. road. As the petition
was filed in her individual capacity, without resolution of the
Panchayat to file the writ petition and without there being any



authorization on behalf of the Panchayat authorizing the petitioner to file the writ petition on behalf of the Panchayat, the learned Writ Court has rejected the application and rightly so as the petitioner individually does not have any right to prosecute the case of the Panchayat. Panchayat Samiti should have filed the writ petition through the Panchayat as under the Panchayati Raj Act the Panchayat is a legal entity, a juristic person having a right to sue in its own name and this having not been done in the present case, the learned Writ Court has rightly dismissed the writ petition and we see no reason to interfere into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	

