

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15716 of 2018

1. Ramjanam Rai son of Dasai Rai Resident of village - Bhikhanpura, P.O. Bhatauliya, P.S. Desri, District - Vaishali at Hajipur, Ex - Pramukh of Block Panchayat Samiti, Desri, District - Vaishali at Hajipur.
2. Chandana Devi wife of Ranjit Bhagat Resident of Village - Bishanpur Chand, P.O. Chanpura Nanhkar, P.S. Desri, District - Vaishali at Hajipur, Ex - Up-Pramukh of Block Panchayat Samiti, Desri, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Vaishali at Hajipur, District - Vaishali at Hajipur.
5. The Sub-Divisional Officer, Mahnar, District - Vaishali at Hajipur.
6. The Block Development Officer, Desri-cum-Executive Officer, Block Panchayat Samiti, Desri, District - Vaishali at Hajipur.
7. Murli Prasad Mukesh son of not known to the petitioners
8. Madan Rai son of not known to the petitioners
9. Nathu Paswan son of not known to the petitioners
10. Shail Devi wife of not known to the petitioners
11. Amita Rai wife of not known to the petitioners
12. Rinku Devi wife of not known to the petitioners
13. Md. Ali Ansari son of not known to the petitioners
14. Sangita Devi wife of not known to the petitioners
15. Shyama Kumari wife of not known to the petitioner

Respondent Nos. 7 to 15 are the members of Block Panchayat Samiti, Desri through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Desri, P.O. and P.S. Desri, District - Vaishali at Hajipur.

16. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the Secretary.



... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S. B. K. Mangalam, Advocate Ms. Anita Kumari, Advocate
For the State	:	Smt. Archana Meenakshee -GP-6 Mr. H. S. Goldie, AC to GP-6
For SEC	:	Mr. Amit Shrivastava, Advocate Mr. Sanjeev Nikesh, Advocate
For private respondents	:	Mr. Prakash Shrivastava, Advocate

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 05-12-2018

Heard learned counsels for the petitioners, State, State Election Commission and respondent nos. 9 to 15.

2. By way of the present writ petition, the petitioners have prayed for quashing the requisition submitted by seven elected members of Block Panchayat Samiti, Desri through which a requisition was made to convene the special meeting of Block Panchayat Samiti, Desri to consider no confidence motion against the petitioners.

3. At the outset, it is admitted by respondent nos. 9 to 15, who had presented the requisition that the procedure prescribed under sub-section (3)(i) of Section 44 of the Bihar Panchayat Raj Act, 2006 for presenting requisition was not followed in the present case.

4. Learned counsel for respondent nos. 9 to 15 contended that the writ petition may be allowed with liberty to respondent nos. 9 to 15 to present requisition afresh before the petitioner no. 1 in accordance with law in order to express their want of confidence in the petitioners.

5. In view of the submissions made above, with the consent of the parties, the writ petition is allowed. The impugned requisition dated 30.06.2018 filed by respondent nos. 9 to 15, as contained in Annexure-



P/8, is set aside. Any consequential action on the basis of said requisition, including the resolution passed in the special meeting dated 25.07.2018 shall be treated to be a nullity in the eyes of law.

6. Respondent nos. 9 to 15 shall be at liberty to present requisition afresh in terms of sub-section (3)(i) of Section 44 of the Bihar Panchayat Raj Act, 2006 before petitioner no. 1. Once such a requisition is filed, the petitioner no. 1 shall receive the same and convene the meeting for deliberation on the issue of want of confidence in accordance with law without unnecessarily delaying the matter.

(Ashwani Kumar Singh, J.)

kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.12.2018
Transmission Date	NA

