

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 170 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 9645 of 2005

Chandrawali Singh @ Chandrawati Singh, Son of Late Sarjug Singh,
Resident of Village- Ram Nagar, Police Station- Sakra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. A.K. Chauhan the Election Commissioner, Government of Bihar, Patna.
3. Ramjee Singh, the Director, Panchayat Raj, Bihar, Patna.
4. Dharmendra Singh, the District Magistrate-cum-Collector, Muzaffarpur.
5. Nrendra Kumar Singh the District Panchayat Raj Officer, Muzaffarpur, District- Muzaffarpur.
6. Sunil Kumar the Sub-Divisional Officer, Muzaffarpur (East), District- Muzaffarpur.
7. Rahul Kumar the Block Development Officer, Sakra, District- Muzaffarpur.
8. Santosh Kumar Mall District Magistrate Muzaffarpur. dt. 13.2.11 to 16.1.2013.
9. Anupam Kumar, District Magistrate Muzaffarpur. dt. 16.1.13 to 3.8.15.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pradhan Murli Manohar Prasad, Mr. Raju Kumar Goswami, Mr. Pramod Kumar Singh and Mr. Raj Kumar Sinha, Advocates
For the State	:	Mr. Pushkar Narayan Sahi, Sr. Advocates Mr. Dharendra Kumar, A.C. to A.A.G. 6

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 06-03-2019

Heard learned counsel for the petitioner and Mr. P. N. Shahi, learned A.A.G.- 6 for the State.

2. Pursuant to order dated 06.02.2019, the opposite parties no. 4, 8 and 9 are present and have also filed show cause.



3. The present application was filed alleging non-compliance/disobedience of the order of the Court dated 09.11.2011 passed in C.W.J.C No. 9645 of 2005. The same required the District Magistrate, Muzaffarpur to consider the representation which was to be filed by the petitioner with regard to creation of Ram Nagar Saraiya Panchayat who was to look into the matter and take necessary steps in accordance with law within the next two months. Such representation was filed by the petitioner before the District Magistrate, Muzaffarpur on 07.01.2012. However, the exercise has finally fructified by order dated 24.01.2019 by the publication in the official gazette relating to creation of the fresh Panchayat.

4. Besides the exercise having been completed after six years, despite the same being required to be completed within two months, the issue which is bothering the Court is the fact that it relates to creation of a Panchayat, meaning thereby that the electorate of the said newly created Panchayat had the right to elect their own representatives for the new Panchayat. Since passing of the order, two elections have been conducted. Had the order been complied within time, both the elections would have also been held for the newly created Panchayat. Thus, not only individual, but collective rights of the citizens, as far as it relates



to the newly created Panchayat, have been frustrated for two consecutive elections and that too, over a period of six years. This issue had in fact persuaded the Court to call upon all the persons who had held the post of District Magistrate, Muzaffarpur at various points of time to be present today and to file their show cause.

5. At the very outset, learned A.A.G.-6 submitted that in the show cause not by way of explanation, certain facts have been submitted but the same is only for the purpose of showing the progress in the matter. However, in the presence of the officers, he takes a categorical stand that there has been lapses for which unconditional and unqualified apology is tendered by them. He submitted that the Court may take a lenient view as lapses were not deliberate, though they were required to comply, but in future assurance is given that they would be careful that such situation does not arise.

6. On a query of the Court as to whether, now, finally the matter with regard to Ram Nagar Lakshman Nagar Panchayat is final and complete, the answer is in the positive. Thus, the Court is satisfied that the exercise as directed by its order dated 09.11.2011, stands complied with.



7. Having regard to the fact that the officers have been truthful before the Court and have candidly admitted that they had to be more vigilant in the matter, the Court is inclined to grant them indulgence.

8. Accordingly, the apology tendered by them is accepted and the issue stands consigned.

9. The application having itself become infructuous stands disposed off.

10. Personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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