

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23808 of 2019

Upendra Kumar, s/o Aditya Kumar, Resident of Village-Rerbigha, Post
Office-Pabhera, Police Station-Dhanarua, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj Department, Government of Bihar, New Secretariat Building, Patna- 800 001.
2. The Chief Secretary, Government of Bihar, Old Secretariat Building, Patna 800 015.
3. The Principal Secretary, Panchayat Raj Department, Government of Bihar, New Secretariat Building, Patna 800 001.
4. The Special Secretary, General Administration Department, Govt. of Bihar, Patna.
5. The Divisional Commissioner, Patna Division, Patna.
6. The District Magistrate, Patna.
7. Zila Parishad, Patna through its Chief Executive Officer, Patna Collectorate, Patna.
8. The Chairman, Zila Parishad, Patna, Patna Collectorate, Patna.
9. The Chief Executive Officer Zila Parishad, Patna-cum-Deputy Development Commissioner, Patna, District-Patna.
10. Aditya Prakash, S/o not known, the then Chief Executive officer Zila Parishad, Patna-cum-Deputy Development Commissioner, Patna, District-Patna.
11. Suharsh Bhagat, s/o not known, the present incumbent, Chief Executive officer Zila Parishad, Patna-cum-Deputy Development Commissioner,



Patna, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Verma, Adv.
For the Respondent/s : Mr. Ravindra Kumar, AC to AAG
For Zila Parishad Mr. Nikesh Kumar, Adv.

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-12-2019 Petitioner, through the present application, prays
mainly for the following relief/s:

“For commanding the respondent/s concerned to act as per their statutory obligation cast under the Bihar Panchayat Raj Act, 2006 and its corresponding rules crucial for smooth and unhindered functioning of Zila Parishad, Patna and accelerando Consummation of the affair and development Schemes of Zila Parishad, Patna being not allowed to function and to carry out its work by the Respondent Chief Executive Officer-Cum-Deputy Development Commissioner, Patna who deliberately and willfully used to act in defiance of the law and disobeyed/disobeying the command/whip of the Zila Parishad, Patna and its Chairman and even not issuing notice to anyone concerned notwithstanding in seisin of knowledge of the factum of convening the meeting of Zila Parishad by the competent chairman/required members of the



Zila Parishad in compelling a lull to prevail there in Zila Parishad, Patna as in conflict with the statutory command saying for holding the meeting of Zila Parishad at least once within a period of 3 months and so for taking legal action against the respondent Chief Executive Officer of Zila Parishad, Patna for his illegal, arbitrary and defying Act particularly in usurping the authority of chairman, Zila Parishad and taking unilateral decision in doing all the act of his own bypassing the authority of chairman as in imposing their mastery over vibrant Zila Parishad and its chairman to the detrimental of common mass particularly the beneficiaries under different scheme besides other reliefs as prayed in para-1 of the writ application.”

Learned counsel for the petitioner seeks permission to withdraw the petition with liberty to represent before the appropriate authority, but only with a direction to the concerned respondent authorities to consider the petitioner's request/representation which he shall be making within four weeks.

Well, we are not to issue a direction for it is by way of statutory obligation for the instrumentalities of the State to discharge their statutory duties in accordance with law.

Be that as it may, learned counsel for the State assures



that as and when any such representation is received, it shall be considered and decided expeditiously and in accordance with law.

The application stands dismissed as withdrawn with the liberty aforesaid.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

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