

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7664 of 2018

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Smt. Laxmi Devi, Wife of Sri Mahendra Kumar, D/o Late Manki Sao, at present Chairman, Zila Parishad Gaya, R/o Village- Bumer, P.O.- Jaigir Barachatti, P.S. Block- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through 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 Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The Deputy Development Commissioner- cum-Chief Executive Officer, Zila Parishad, Gaya.
7. Raghvendra Singh, son of not known to the petitioner, Deputy Development Commissioner-cum-chief Executive Office, Zila Parishad, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.
For the Respondent/s	:	Mr. Kameshwar Prasad Gupta, GP 10
For the Zila Parishad	:	Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 18-01-2020

Heard learned counsel for the petitioner; learned GP 10
for the State and learned counsel for the Zila Parishad, Gaya.

2. The petitioner has moved the Court for the following
reliefs:

*“(A) Commanding the respondent no. 7 to
fix the date of Zila Parishad for meeting pursuant to
considering request made by the petitioner for
holding meeting of Zila Parishad as per Section 73
of the Bihar Panchayat Raj Act, 2006 on*



07.03.2018 and 27.03.2018 as contained in Annexure-13 and 14 respectively.

(B) For commanding the respondents including Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya to act upon as per Section 69(a)(d) of the Bihar Panchayat Raj Act, 2006.

(C) Also for communication made from time to time by the Panchayat Raj, Govt. of Bihar vide Memo No. 2618 dated 14.05.2012 as contained in Annexure-11 in complying the direction issued by the petitioner in capacity of the Chairman, Zila Parishad, Gaya as the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya is not produced the records before the petitioner despite the repeated reminder to discharge the duty of Chairman, Zila Parishad, Gaya.

(D) Also for declaring the action of Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Gaya is not produced the record before the petitioner pursuant to the communication made by the petitioner from time to time dated 11.12.17 and other letters is against section 6(1)(a)(d) of the Panchayat Raj Act and decision communicated to the Government dated 14.05.2010 as contained in Annexure-11 amounts obstruction in functioning Zila Parishad, misuse of the power and Criminal misconduct resulting money allotted to Zila Parishad, Gaya has not been utilized for the financial year 2017.

(E) Also for necessary relief/reliefs, order/orders, direction/directions for which the petitioner is entitled in the eye of law.”

3. The grievance of the petitioner was that she being the *Adhyaksha*, Zila Parishad, Gaya, the respondent no. 7 was not fixing the date of the meeting in terms of her discretion which was required to be done in terms of Section 73 of the Bihar Panchayat Raj Act, 2006.



4. In view of the admitted position that during the pendency of the writ application, the petitioner has been removed from the post of *Adhyaksha*, the said grievance having become infructuous, the present writ application also has become infructuous.

5. In the aforesaid background, the writ petitioner stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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