

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24393 of 2019

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Murari Kumar Son of Umesh Kunwar Resident of Malik Tola Farda, Munger,
P.S.- Nayaram Nagar, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Gram Panchayat Raj, Govt. of Bihar, Patna.
2. The Commissioner Munger Division, Munger.
3. The District Magistrate Munger fort area, Munger.
4. The District Panchayat Raj Officer Munger Fort Area, Munger.
5. The Block Development Officer Jamalpur, District- Munger.
6. The Mukhiya Parham Panchayat, Jamalpur Block, Munger District- Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra, Adv.
For the Respondent/s : Mr.GA-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-02-2020 The petitioner has filed the present writ petition
seeking the following reliefs:-

“(i) For direction to the respondent No.1 to take decision of removal of Mukhiya of the Parham Panchayat Jamalpur Block, Munger (Respondent No.6), under the provision of Section 18(v) of Bihar Panchayat Raj Act as the Mukhiya is absconder since long hence no meeting of Aam Sabha is being convened in the Panchayat and development work of the Panchayat is stopped.”

It is not in dispute that under Section 18(v) of the



Bihar Panchayati Raj Act, 2006, the appropriate action as sought for by the petitioner, as aforesaid, is to be taken by the Government after giving the Mukhiya or Up-Mukhiya a reasonable opportunity of explanation, whereafter considering the explanation, an order of removal may be passed by the Government.

The learned counsel for the respondents has submitted that the appropriate authority in the present case is the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna and in case the petitioner approaches the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna, appropriate action would definitely be taken in accordance with law.

Having regard to the facts and circumstances of the case, this Court deems it fit and proper to grant liberty to the petitioner to approach the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna for redressal of his aforesaid grievances and in case, an appropriate complaint is filed within a period of two weeks from today, Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna, would consider the same and after hearing the respective parties would pass a reasoned order in accordance with law



within a period of eight weeks from today.

The writ petition stands disposed of on the aforesaid
terms.

(Mohit Kumar Shah, J)

Tiwary/-

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