

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4165 of 2021

1. Abdhesh Kumar Yadav Son of Jamuna Yadav Resident of Tinpaniya Ward No. 05, P.S.- Kasba, District- Purnia. At present Chief Councillor of Kasba Nagar Panchayat, Purnia.
2. Sita Devi Wife of Shankar Saraf Resident of Ward No. 13, Bucher Tola, P.S.- Kasba, District- Purnia. At present Deputy Councillor of Kasba Nagar Panchayat, Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, State Election Commission, Sone Bhawan, Veerchand Patel Marg, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Purnia.
5. The Sub- Divisional Officer, Sadar, Purnia.
6. The Nagar Panchayat Kasba through its Executive Officer, Purnia.
7. Binod Chauhan son of not known to the Petitioner War Councillor of Ward No. 1, Respondent No. 7 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
8. Ghanshyam Mandal Rai son of not known to the Petitioner War Councillor of Ward No. 2, Respondent No. 8 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
9. Faguni Devi wife of not known to the Petitioner War Councillor of Ward No. 3, Respondent No. 9 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
10. Md. Hasmat Rahi son of not known to the Petitioner War Councillor of Ward No. 4, Respondent No. 10 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
11. Indu Devi wife of not known to the Petitioner War Councillor of Ward No. 6, Respondent No. 11 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
12. Seema Manjhi wife of not known to the Petitioner War Councillor of Ward No. 7, Respondent No.12 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
13. Shilpi Suman wife of not known to the Petitioner War Councillor of Ward No. 8, Respondent No. 13 is the Councillor of Nagar Panchayat Kasba,



- Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
14. Mona Devi wife of not known to the Petitioner War Councillor of Ward No. 9, Respondent No. 14 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
15. Ajeet Prasad Sah son of not known to the Petitioner War Councillor of Ward No. 10, Respondent No. 15 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
16. Md. Mannan son of not known to the Petitioner War Councillor of Ward No. 11, Respondent No. 16 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
17. Vibha Devi wife of not known to the Petitioner War Councillor of Ward No. 12, Respondent No. 17 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
18. Seema Kumari wife of not known to the Petitioner War Councillor of Ward No. 14, Respondent No. 18 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
19. Raj Kumari Devi wife of not known to the Petitioner, War Councillor of Ward No. 15, Respondent No. 19 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
20. Nasima Khatoon wife of not known to the Petitioner War Councillor of Ward No. 16, Respondent No. 20 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.
21. Jawai Kumar Lakra son of not known to the Petitioner War Councillor of Ward No. 17, Respondent No. 21 is the Councillor of Nagar Panchayat Kasba, Purnia through its Executive Officer, Zila Parishad Gaya, P.S.- Kasba, District- Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Choubey
	:	Mr.Rajeev Ranjan
For the Respondent/s	:	Mr.P.NR. Shahi (AAG 6) with
	:	Mr.Mritunjay Kumar
For the State Election Commission:	:	Mr.Amit Srivastava with
	:	Mr.Sanjeev Nikesh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER



7 22-06-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Petitioner no. 1 claims to be the Chief Councillor of Kasba Nagar Panchayat in the District of Purnia whereas petitioner no. 2, the Deputy Councillor of the said Nagar Panchayat.

They have filed the present writ application putting to challenge a notice issued by respondent no. 6 (The Nagar Panchayat Kasba through its Executive Officer, Purnia) dated 25.01.2021 based on requisition made by 11 ward councillors seeking to bring No Confidence Motion under Section 25(4) of the Bihar Municipal Act, 2007. It is the case of the petitioners that the notice is bad in law for various reasons including the fact that it does not disclose any allegation against the petitioners on the basis of which No Confidence Motion is to be brought. It is accordingly the case of the petitioners that the said notice is in teeth of Rule 2(IV) of the Bihar Municipal No Confidence Motion Process Rules, 2010.

The requisitionists have been impleaded in the writ application as respondents who were noticed. A counter affidavit has been filed on behalf of the respondents no. 7, 8, 9, 10, 11, 13, 16, 17, 19, 20 and 21 admitting therein that since charge is



not mentioned in the notice convening special meeting for No Confidence Motion, the same is unsustainable.

Considering the stand taken on behalf of said private respondents on affidavit, this application is allowed. The impugned notice is set aside.

This order will, however, not preclude issuance of a fresh notice convening special meeting for No Confidence Motion in accordance with law.

(Chakradhari Sharan Singh, J)

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