

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4384 of 2020

Ramavati Devi Wife of Sri Mainejar Singh resident of Village- Jalalpur, P.O. Bela, P.S. Dariyapur, District Saran at Chapra, presently Pramukh of Block Panchayat Samiti, Dariyapur, District- Saran at Chapra.

... .. Petitioner

Versus

1. The State of Bihar through the 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 District Magistrate, Saran at Chapra, District Saran at Chapra.
5. The Sub-Divisional Officer, Sonapur, District Saran at Chapra.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dariyapur, District Saran at Chapra.
7. Manoj Kumar Yadav, Son of not known to the petitioner, Presently Up-Pramukh of Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District Saran at Chapra.
8. Manorma Yadav, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
9. Vinita Devi Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
10. Shail Devi Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
11. Mutizan Bibi Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
12. Veena Devi Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
13. Sunita Yadav Wife of not known to the petitioner. the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
14. Manju Devi, Wife of not known to the petitioner. the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti,



Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.

15. Sunil Chaudhary Son of not known to the petitioner. the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
16. Sanjeev Kumar Gupta, Son of not known to the petitioner. the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
17. Rita Devi Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
18. Renu Devi, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
19. Nand Kishore Singh, Son of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
20. Nasima Khatoon Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
21. Gayanti Devi, Wife of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
22. Brajesh Prasad Yadav Son of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
23. Rakesh Kumar, Son of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
24. Baban Kumar, Son of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
25. Malti Devi, Wife of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
26. Mamta Devi, Wife of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block



- Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
27. Rambabu Rai, Son of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 28. Champa Devi, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 29. Harendra Rai, Son of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 30. Anil Kumar Manjhi, Son of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 31. Imteyaz Khan Son of not known to the petitioner the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 32. Rina Devi, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 33. Usha Devi, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 34. Rubi Kumari, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 35. Ganesh Das Son of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 36. Riju Chaudhary, Wife of not known to the Petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 37. Babita Devi, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
 38. Sumitra Devi, Wife of not known to the petitioner, the Panchayat Samiti



- Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
39. Sushila Gupta, Wife of not known to the petitioner, the Panchayat Samiti Member of Block Panchayat Samiti, Dariyapur through the Block Development Officer- cum-Executive Officer, Block Panchayat Samiti, Dariyapur, P.O. and P.S. Dariyapur, District- Saran at Chapra.
40. The State Election Commission (Panchayat), Bihar, Patna, through the Secretary.

... .. Respondents

Appearance :

For the Petitioner : Mr. S.B.K. Mangalam, Advocate
Ms. Anita Kumari, Advocate
For the Respondent State: Mr. Ajay, G.A.-5
For the State Election Commission: Mr. Amit Srivastava, Senior Advocate
For the Private Respondents : Mr. Sarva Deo Singh, Advocate
Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 03-08-2021

Heard learned counsel for the parties.

2. The petitioner was elected as the Pramukh, Block Panchayat Samiti, Dariyapur in the District of Chapra, on 08.11.2017. In the present writ application she has put to challenge a requisition submitted by 20 elected members of the Block Panchayat Samiti, Dariyapur (hereinafter referred to as 'Samiti') addressed to the petitioner, which was, admittedly, served upon her on 13.02.2020, requesting her to convene a special meeting of the Samiti for consideration of no confidence motion against the petitioner. The petitioner has challenged the said requisition on the sole ground of the same being in violation of Section 44(3)(i) of



the Bihar Panchayat Raj Act, 2006, which, according to the petitioner, mandates that the requisition should be presented to the Pramukh in writing by not less than one third members of the total of the directly elected members. Without disputing that the requisition seeking convening of special meeting for no confidence motion was signed by 20 members of the Committee, it is the petitioner's contention that by virtue of provision under Section 44(3)(i) of the Act, at least one third of the members should have been physically present while handing over the requisition to the petitioner.

3. Notices were issued in this matter on 06.03.2020, pursuant to which the private respondents, including the requisitionists have entered appearance. While issuing notice, this Court, by the said order dated 06.03.2020, took notice of the fact that the special meeting was scheduled to be held on 13.02.2020 and accordingly observed that any decision in such meeting and all consequential action/decisions shall be subject to the result of the writ application.

4. In the special meeting held on 13.02.2020, no confidence motion brought against the petitioner has been successfully carried out and accordingly the petitioner stands removed from the post of Pramukh.



5. By filing I.A. No. 2 of 2021, the petitioner has accordingly sought for amendment in the writ petition. The petitioner seeks to challenge the resolution passed in the said special meeting, on the same sole ground taken in the writ petition, as has been noticed above.

6. As the vacancy arising out of removal of the petitioner was notified by the State Election Commission for holding fresh election, the petitioner has sought for impleadment of State Election Commission as party respondent, which has been allowed by an order of this Court dated 09.12.2020.

7. With the life of the Panchayat Raj institutions coming to an end in the State of Bihar by virtue of operation of sub-section (1) of Section 39 of the Act and there being no possibility of general elections of Gram Panchayat before the expiry of prescribed period of five years, in exercise of powers under Article 213(1) of the Constitution of India, an ordinance has been promulgated, namely, Bihar Panchayat Raj (Amendment) Ordinance, 2021, incorporating sub-section (5) after sub-section (4) of Section 39 of the Act, which reads as under : -

"(5) If for any reason, it is not possible to hold the general election of a Panchayat Samiti before the expiry of a period of five years specified in sub-section (1) of



section 39, the Panchayat Samiti shall stand dissolved on the expiration of the said period and all the powers and functions vested in the Panchayat Samiti under this Act or under any other law for the time being in force shall be exercised or performed by an Advisory Committee which the State Government may, by notification, constitute for this purpose."

8. The Panchayati Raj Department, Government of Bihar, has come out with a Notification dated 09.06.2021, providing constitution of Advisory Committees in place of Panchayat Samitis, consequent upon dissolution of the Panchayat Samiti with the lapse of life. Sub-section (5) of Section 39 of the Act provides, *inter alia*, that the Pramukh of the Panchayat Samiti working on the date of dissolution shall be the Chairman of the Advisory Committee of the Panchayat Samiti.

9. It is the petitioner's case that despite dissolution of the Panchayat Samiti by virtue of operation of sub-section (1) of Section 39 of the Act, the petitioner's cause of action to question the legality of the requisition seeking convening of meeting of no confidence motion survives for the reasons that if the petitioner succeeds, she will have the right to occupy the position of Chairman of the Advisory Committee of the concerned Panchayat



Samiti, instead of newly elected Pramukh after the petitioner's removal.

10. Submissions have been advanced on behalf of the respondents that the writ petition itself has become infructuous and it has lost its efficacy as the Panchayat Samiti of which the petitioner was Pramukh itself stands dissolved.

11. Counter affidavits have been filed on behalf of the respondents. Since the main controversy involved in the present application warrants an answer to a short question of law as to whether the provision under Section 44(3)(i) of the Act mandates personal service of requisition/notice on Pramukh by at least one third of the total members of Panchayat Samiti, seeking convening of a meeting of no confidence motion, which can be decided on the basis of pleadings in the writ petition with reference to the statutory provisions, without going into various factual aspects brought on record by way of the counter affidavits filed on behalf of the respondents, I have deemed it proper to determine answer to the same.

12. The facts are, on which the controversy mainly revolves, have been taken note of at the very outset.

13. Hindi text of Section 44(3)(i) reads as under : -

"पंचायत समिति का प्रमुख/उप प्रमुख अपने पद से तत्काल ही मुक्त समझा जायेगा, यदि उक्त प्रयोजन के



लिए विशेष रूप से आहूत की गयी किसी बैठक में पंचायत समिति के कुल निर्वाचित सदस्यों की संख्या के बहुमत द्वारा उनके प्रति विश्वास की कमी का प्रस्ताव पारित किया जाये।

ऐसी विशेष बैठक पंचायत समिति के प्रादेशिक निर्वाचन क्षेत्रों से निर्वाचित कुल सदस्यों में से कम-से-कम एक तिहाई निर्वाचित सदस्यों द्वारा प्रमुख को सम्बोधित लिखित अध्याचना पर बुलाई जाएगी जिसकी प्रति पंचायत समिति के कार्यपालक पदाधिकारी को भी दी जाएगी । कार्यपालक पदाधिकारी अविलम्ब उक्त अध्याचना से प्रमुख को अवगत कराएगा । प्रमुख ऐसी अध्याचना की प्राप्ति की तिथि से पंद्रह दिनों के अंदर उक्त बैठक आयोजित करेगा । यदि प्रमुख निर्धारित तिथि पर विशेष बैठक में असफल रहता है तो उप-प्रमुख या सीधे निर्वाचित कुल सदस्यों में से एक तिहाई सदस्य उक्त बैठक हेतु किसी तिथि का निर्धारण कर सकेंगे एवं बैठक हेतु सदस्यों को सूचना निर्गत करने एवं कार्रवाई करने हेतु कार्यपालक पदाधिकारी से अपेक्षा कर सकेंगे । कार्यपालक पदाधिकारी निश्चित रूप से वैसी सूचना ससमय निर्गत करेंगे एवं बैठक आहूत करेंगे । एक बार बैठक हेतु निर्गत नोटिस के बाद निर्धारित बैठक स्थगित नहीं की जा सकेगी । अविश्वास प्रस्ताव पर विचार हेतु आहूत विशेष बैठक के लिए गणपूर्ति आवश्यक नहीं होगी ।”

14. English text of the said provision reads as under : -

“44.(3)(i) A Pramukh/Up-Pramukh of the Panchayat Samiti shall be deemed to have vacated his office forthwith if a resolution expressing want of confidence in him is passed by a majority of the total number of elected members of the Panchayat Samiti at a meeting specially convened for the purpose.

The requisition for such a special meeting shall be presented to the Pramukh in writing with a copy to the Executive Officer of the Panchayat Samiti, by not less than one third of the total number of members elected directly from the territorial constituencies of the Panchayat Samiti. The Executive Officer shall immediately bring the requisition to the



notice of the Pramukh. The Pramukh shall convene such meeting on a date falling within 15 days of such requisition. If the Pramukh fails to call the special meeting, the Up-Pramukh or one third of the total number of directly elected members may fix a date for such meeting and require the Executive Officer to give notice to the members and to take such action as may be necessary to convene the meeting. The Executive Officer shall necessarily issue such notice in time and convene the meeting. No such meeting shall be postponed once the notice for the same has been issued. No quorum shall be required for the special meeting convened to discuss no confidence motion.”

15. Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the petitioner has heavily relied on the English text of the said provision as noted above and has submitted that it mandates presentation of requisition ‘by not less than one third of the total members....’. According to him, the expression ‘by’ clearly connotes presentation of the requisition personally to the Pramukh by at least one third of the members of the Panchayat Samiti for a requisition to convene special meeting of no confidence motion to be valid in accordance with law.



16. He has submitted that the legislative intent is clear from the language under Section 44(3)(i) of the Act in order to allay any doubt as to whether the requisition is bonafide and in fact signed by the requisite number of the members of the Panchayat Samiti. He has submitted that since it is the statutory obligation of the Pramukh to convene special meeting for the aforesaid purpose, his/her satisfaction that the requisition is in fact by one third of the total number of members of the Samiti is of immense significance.

17. He has placed reliance on following decisions of this Court in support of his submission : -

(i) *Sindhu Devi v. State of Bihar* reported in **2002(1) PLJR 281** (paragraph 8 to 12) and

(ii) *Sheikh Hassmuddin vs. State of Bihar*, reported in **2015(3) PLJR 203** (paragraph 9 and 10) .

18. Mr. Amit Srivastava, learned Senior Counsel appearing on behalf of the State Election Commission, on the other hand, has contended that it is evident on reading of the Hindi text of Section 44(3)(i) of the Act that it requires a written requisition addressed to a Pramukh by at least one third of the elected members of the Samiti, with a copy to be served on the Executive Officer of the Panchayat Samiti. He has submitted that the expression 'by' in the English text does not mean physical



presence of at least one third of the members of the Samiti at the time of service of requisition on the Pramukh. He has contended that the provision only envisages that the requisition must be written and it should be 'by' one third of the elected members of the Samiti. In any event, he has submitted that the Hindi text of Section 44(3)(i) is unambiguous and has relied on a Full Bench decision of this Court in case of ***Dr. Sachidanand Sinha vs. The Collector Patna and others***, reported in **1989 PLJR 1141 (F.B.)**, wherein, upon noticing difference in Hindi and English version of a provision under Bihar Building (Lease, Rent and Eviction) Control Act, 1982, this Court proceeded to construe the Hindi version of the provision in question, for the purpose of determination of the dispute in that case.

19. He has further submitted that the legislative intent of the provision should be ascertained from language used therein, giving due regard to each word, phrase and sentence. In the absence of any clear requirement that the requisition should be personally presented by one third of the members to the Pramukh, the provision cannot be construed otherwise to test legality of a requisition under the said provision.

20. Mr. Sarva Deo Singh, learned counsel appearing on behalf of the private respondents has relied on a Division Bench



decision of this Court in case of *Sabila Khatoon and Others vs. The State of Bihar and Others*, reported in 2017(2) PLJR 29, wherein it has been specifically held that personal service of requisition for convening meeting of no confidence motion is not a requirement for the requisition to be valid.

21. There cannot be any inkling of doubt over the legal position, as has been rightly contended by Mr. Amit Srivastava, learned Senior Counsel, that in case of difference between Hindi and English text of statutory provision and in the absence of any material to demonstrate that the English text is translation of Hindi version, English version will have to be treated to be authentic for the purpose of construction of statutory provision enacted in Hindi language, in the State of Bihar.

22. The Full Bench of this Court in case of *Dr. Sachidanand Sinha* (supra) has noticed that the Bihar Legislature has prescribed Hindi language for use in Bills introduced in the Legislature for the purpose of enactment. In case of *Shree Alok Kumar Agrawal vs. State of Bihar* (AIR 1976 Patna 392), this Court has noticed that Clause (3) of Article 348 of the Constitution has an overriding effect over Clause (1) of the said Article. Referring to the said decision in case of *Shree Alok Kumar Agrawal* (supra) with reference to Article 348 of the Constitution



of India, the Full Bench in case of **Dr. Sachidanand Sinha** (supra)

held in paragraph 12 as under : -

“12. It may be pointed out that during the hearing of this case, none of the Counsel including the learned Advocate General, who appeared on behalf of the petitioner, in the present case, produced any material to show that the English version of the Act before us is the translated version of the Act in Hindi, in accordance with the requirement of Article 348(3) of the Constitution. While publishing the translated version of section (16)(1) under the authority of this State, as required by Article 348(3) of the Constitution, how such an important part of that sub-section in Hindi version “जबतक कि उचित किराये से संबंधित विवाद सक्षम न्यायालय के विनिश्चय द्वारा” “तय न कर दिया जाय” was overlooked or omitted is difficult to explain. As such it is proper to proceed to construe the effect of sub-section (1) of section 16 on the basis of the Hindi version of sub-section (1) of section 16.”

23. In view of the conclusive and authoritative pronouncement by a Full Bench of this Court in case of **Dr. Sachidanand Sinha** (supra), there is no room for any controversy that in case of difference in Hindi and English texts of an Act



enacted by the State Legislature of Bihar, the Hindi text shall prevail. The Hindi text clearly mentions that the requisition must be signed by one third of the total number of elected members of the Samiti addressed to the Pramukh.

24. The Division Bench in case of *Sindhu Devi* (supra) does not in any manner supports the petitioner's main ground of challenge that the requisition should have been physically served by one third of the members. In case of *Sindhu Devi* (supra), this Court observed that the mechanics of bringing in a motion of no confidence rests on the premise that should there be a written request of not less than one third of the total number of members present on a date, within 15 days from such receipt, a special meeting will be called. The Court further observed that the law enjoins that such a notice will need to indicate the object for which the meeting is proposed. It is not the case of the petitioner that the requisition suffers from any illegality except, according to the petitioner, that the same was not served personally by one third of the elected members of the Samiti on the petitioner.

25. It is not in dispute that written request was served, which was signed by 20 elected members of the Panchayat Samiti. The decision in case of *Sheikh Hassmuddin* (supra) also does not come in aid. In paragraph 7 of the said decision, this Court noticed



the requirement of valid service of requisition under Section 44(3) of the Act. The Court, however, noticed in that case that no confidence motion was never served upon the Pramukh.

26. The respondents have rightly placed reliance on Division Bench decision of this Court in case of ***Sabila Khatoon and Others*** (supra), wherein, examining similar provision under Section 25(4) of the Bihar Municipal Act, 2007, the Division Bench held in paragraph 9 as under : -

“In view of the Division Bench judgment wherein the similar issue was raised and decided, we find that the order of learned Single Bench holding that the requisition has to be served personally on the Chief Councillor cannot be sustained. Thus, the No Confidence Motion passed against the writ applicant in the meeting held on 15.10.2016 does not suffer from any illegality warranting interference in the writ application.”

27. In my opinion, the language of Hindi text of Section 44 of the Act suffers from no ambiguity at all. It is basic rule of interpretation of statute that a word appearing in a statute has to be given its ordinary meaning. As the provision does not contemplate requirement of service of requisition personally to the Pramukh demanding holding of special meeting, the Court by way of



interpretation should not add or include something in statute, which is not specifically mentioned in the statute.

28. This application is, in Court's opinion, completely misconceived and is dismissed for the reasons noted above.

29. There shall be no order as to cost.

(Chakradhari Sharan Singh, J)

Pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	07.08.2021
Transmission Date	N/A

