

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9556 of 2021

Bimla Devi Wife of Dinanath Prasad Resident of Village - Kalwarpatti, Ward No. 6, P.S. - Chanpatia, Town and District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Deputy Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
5. The District Magistrate, West Champaran at Bettiah, District - West Champaran.
6. The Sub Divisional Magistrate, West Champaran at Bettiah.
7. The Nagar Panchayat, Chanpatia, through Executive Officer, Nagar Panchayat, Chanpatia, West Champaran.
8. The Executive Officer, Nagar Panchayat, Chanpatia, West Champaran.
9. Kiran Devi Wife of Chandramohan Prasad Ward No. 2, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
10. Chandramohan Prasad Son of Late Babulal Sah Ward No. 3, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
11. Sushila Devi Wife of Madan Prasad Ward No. 06, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
12. Gita Devi Wife of Madan Prasad, Ward No. 7, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
13. Nilam Devi Wife of Vikash Keshri Ward No. 08, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
14. Gulnayara Khatoon Wife of Mahfooz Ward No. 09, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
15. Madho Prasad Son of Gopal Mahta Ward No. 12, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
16. Manohar Prasad Son of Late Adalat Mahato Ward No. 13, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.
17. Chanda Kumari Wife of Amod Baitha Ward No. 14, the ward councilor of



Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.

18. Anshu Bihari Son of Mohan Rai Ward No. 15, the ward councilor of Nagar Panchayat, Chanpatia P.O. - Chanpatia, P.S. - Chanpatia, District- West Champaran at Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chakrapani Mr. Jagjit Roshan
For the State	:	Mr. Dharendra Kumar, AC to AAG 6
For Res. Nos. 9 to 18	:	Mr. Bimlesh Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2021 Heard learned Counsel for the parties concerned.

The petitioner is aggrieved by the notice, dated 03.10.2021, issued by the Executive Officer, Nagar Panchayat, Chanpatia (Annexure-12 to I. A. No. 2 of 2021), by which a special meeting has been called on 06.10.2021 for consideration of No Confidence Motion against the Chief Councillor.

Learned Counsel for the petitioner submits that the impugned notice has been issued in complete violation of Section 25 (4) of the Bihar Municipal Act, 2007 (in short, '2007 Act') read with Rules 2 (i) and 2(iv) of the Bihar Municipal No Confidence Motion Process Rules, 2010 (in short, '2010 Rules') inasmuch as according to the petitioner, the notice does not contain the reasons/allegations on the basis of which the No Confidence Motion has been brought and further as per the 2010 Rules, the notice for special meeting of the urban local body is



required to be issued within seven days from the date of receipt of the requisition and the special meeting will be convened within fifteen days from the date of issuance of the notice, but in the present case, the requisition has been submitted on 05.07.2021 and the impugned notice, dated 03.10.2021, has been issued after three months from the date of receipt of the requisition, fixing the date of special meeting of no confidence on 06.10.2021, i.e. within three days.

Learned Counsel for the State as well as respondent nos. 9 to 18 agree that the impugned notice, dated 03.10.2021, does not contain the reasons/allegations against the Chief Councillor and accordingly the same is not in accordance with law. It is further submitted that this Court, in exercise of powers conferred under Article 226 of the Constitution of India, may set aside the said impugned notice, with liberty to the parties to proceed afresh in accordance with law.

After having heard learned Counsel for the parties and taking into consideration the submissions advanced by them, I come to the conclusion that the impugned notice, dated 03.10.2021 has been issued in violation of Rule 2 (iv) of the 2010 Rules and accordingly the same is set aside.

This application is accordingly allowed.



There will be no order as to costs.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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