

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.249 of 2020

In
Civil Writ Jurisdiction Case No.16628 of 2019

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1. Vijay Singh, son of Late Prithvi Singh, Resident of Mohalla- Durgapur, ward no. 33, P.S.- Town, District- Katihar
 2. The Mayor Municipal Corporation, Katihar

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary Urban Development and Housing Department, Government of Bihar, Patna
3. The Director (Municipal Administration) Urban Development and Housing Department, Government of Bihar, Patna
4. The District Magistrate-cum-District Election Officer (Municipality) Katihar
5. The Deputy Mayor Municipal Corporation, Katihar
6. The Municipal Commissioner Municipal Corporation, Katihar
7. Anita Sharma, Wife of Jagdish Sharma, Resident of Mohalla-Ward No. 1, Mirchaibari, P.S. Sahayak, District-Katihar
8. Anita Giri, Wife of Radhe Shyam Giri, Resident of Ward No. 2, P.S. Sahayak, District-Katihar
9. Arun Kumar Azad, Son of Ange Lal Prasad, R/o Ward No. 3, P.S. - Muffasil, District-Katihar
10. Suman Sharma, Wife of Late Pameshwar Jha, R/o Ward No. 4, P.S. Sahayak, District-Katihar
11. Gunjan Ghosh, Wife of Sri Manish Ghosh, Resident of Mohalla-Ward No. 5, ITI More, Mirchaibari, P.S. Sahayak, District-Katihar
12. Krishna Kumar, Son of Sri Baldev Singh, R/o Mohalla Ward No. 6, Mirchaibari, P.S. Sahayak, District-Katihar
13. Pushpa Devi, Wife of Rajan Yadav, R/o Ward No. 7, P.S. Sahayak, District-Katihar
14. Pappu Kumar Paswan, Son of Late Nandlal Paswan, R/o Mohalla-Ward No.8, Sitla Asthan, Mirchaibari, P.S. Sahayak, District-Katihar
15. Chandra Shekhar Yadav, Son of Shiv Raj Yadav, R/o Ward No. 9, P.S.Sahayak, District-Katihar
16. Ramesh Yadav, Son of not known to the petitioner R/o Ward No. 10, P.S.Sahayak, District-Katihar
17. Rupesh Kumar Das Son of Late Chandan Das R/o Ward No. 11, P.S.Sahayak, District-Katihar



18. Usha Devi Wife of Prithvi Chandra Yadav R/o Ward No. 12, P.S. Sahayak, District-Katihar
19. Anju Devi, Wife of Vijay Kumar Baitha, R/o Ward No. 13, P.S. Sahayak, District-Katihar
20. Deepak Paswan, Son of not known to the petitioner R/o Ward No. 14, P.S. Sahayak, District-Katihar
21. Dipak Kumar, son of Sri Nikhilesh Kumar Singh, R/o Mohalla-Ward No. 15, Mirchaibari, P.S. Sahayak, District-Katihar
22. Shiv Raj Paswan, Son of not know to the petitioner Resident of Ward No. 16, P.S. Town, District-Katihar
23. Manju Devi, Wife of Shiv Raj Paswan, Resident of Ward No. 17, P.S. Town, District-Katihar
24. Rinku Devi, Wife of Raj Kumar Sah, Resident of Ward No. 18, P.S. Town, District-Katihar
25. Geeta Devi, Wife of Ganesh Paswan, Resident of Ward No. 19, P.S. Town, District-Katihar
26. Babli Devi, Wife of Sri Binod Prasad, Gupta Resident of Ward No. 20, P.S. Town, District-Katihar
27. Naushad Kureshi Son of not known to the petitioner Resident of Ward No. 21, P.S. Town, District-Katihar
28. Poonam Devi, Wife of Shatrughan Singh, Resident of Ward No. 22, P.S. Town, District-Katihar
29. Sameema Ibrar, Wife of Md. Ibrar, Resident of Ward No. 23, P.S. Town, District-Katihar
30. Sama Praveen, Wife of Md. Ashif, Resident of Ward No. 24, P.S. Town, District-Katihar
31. Anuradha Devi, Wife of Ranjeet Sah, Resident of Ward No. 25, P.S. Town, District-Katihar
32. Gajala Khatoon, Wife of Pappu Choudhary, Resident of Ward No. 26, P.S. Town, District-Katihar
33. Naseem Ansari, Son of not know to the petitioner Resident of Ward No. 27, P.S. Town, District-Katihar
34. Kishan Bazaz, Son of not know to the petitioner Resident of Ward No. 28, P.S. Town, District-Katihar
35. Julekh Praveen, Wife of Md. Zameel, Resident of Ward No. 29, P.S. Town, District-Katihar
36. Bimal Singh Begani Son of Sobha Chandra Begani Resident of Ward No. 30, P.S. Town, District-Katihar
37. Arun Yadav, Son of not know to the petitioner Resident of Ward No. 31, P.S. Town, District-Katihar
38. Kamal Das Son of not known to the petitioner Resident of Ward No. 32, P.S. Town, District-Katihar
39. Kanchan Mahto, Wife of Jay Prakash Mahto, Resident of Ward No. 34



P.S.Town, District-Katihar

40. Nishi Mahto, Wife of Pramod Mahto, Resident of Ward No. 35, P.S. Town, District-Katihar
41. Umesh Choudhary, son of not known to the petitioner Resident of Ward No.36, P.S. Town, District-Katihar
42. Suraj Rai, Son of not known to the petitioner Resident of Ward No. 37, P.S.Town, District-Katihar
43. Sudha Mahto, Wife of Sanjay Mahto, Resident of Ward No. 38, P.S. Town,District-Katihar
44. Geeta Devi, Wife of not known to the petitioner Resident of Ward No. 39,P.S. Town, District-Katihar
45. Bhola Sahni, Son of not known to the petitioner Resident of Ward No. 40,P.S. Town, District-Katihar
46. Nusrat Khatoon, Wife of Md. Khalik, Resident of Ward No. 41, P.S. Town,District-Katihar
47. Md. Yaseen, son of not known to the petitioner Resident of Ward No. 42, P.S.Town, District-Katihar
48. Babita Devi, Wife of Kashi Mandal, Resident of Ward No. 43, P.S. Town,District-Katihar
49. Deepak Kumar Mandal, son of Prithwi Chandra Mandal, Resident of Village- Shanti Tola Fashiya, P.s.- Amdabad, District- Katihar, at present resident of ward no. 44, P.s.- Town, District- Katihar

... .. Respondent/s

Appearance :

For the Appellant/s :

For the Respondent/s : Mr.Yogendra Prasad Sinha, AAG-7
Mr. Satya Prakash Tripathy, Advocate
Mr. Satyavarta, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER**

(Per: HONOURABLE THE CHIEF JUSTICE)

3 26-08-2021 The appellants have prayed for the following
relief/s :-



- (a) Let a special meeting be reconvened by the Municipal Commissioner of the Corporation on 21.03.2020, of the Counselors of the Corporation with shall proceed from the stage of sub-rule (v) of Rule 2 of Rules.
- (b) The District Magistrate, Katihar shall himself be the observer of the meeting as an officer of the court in the light of the present order.
- (c) On completion of the process, the Municipal Commissioner and the District Magistrate being the observer shall send their reports to the State Election Commission enclosing therewith the copies of the minutes of the proceedings with other relevant documents, connected with the meeting. The minutes of the proceeding shall be drawn in the presence of the District Magistrate himself, who shall, it is reiterated, act as an observer and an officer of this court under this order. The minutes of the proceeding and all relevant records/registers shall be scanned immediately after completion of the proceeding for being transmitted to the State Election Commission, which shall form the part of the written report, within the meaning of sub-rule (viii) of Rule 2 of the Rules. Necessary preparations must be made in this regard by putting in placed the required equipments at the venue of the meeting.
- (d) Considering the nature of controversy, which has emerged and which involves the role of the then Municipal Commissioner also in some way or the other as has been notices herein above, the court directs that the same municipal commissioner shall not act as Municipal Commissioner if he is still posted as such, for the purpose of holding of special committee meeting for no-confidence



motion, to be held under the present order. The State of Bihar through the Principal Secretary, Urban Development Department is directed to ensure issuance of a notification appointing a Municipal Commissioner of the Corporation, at least, for the present purpose, if required in the light of above observation.

- (e) The Superintendent of Police, Katihar is directed that he himself shall supervise security arrangements for peaceful and orderly holding of the special meeting and dispute adequate police force for the said purpose. He shall be obliged to take all necessary measures so that the counselors are not unduly obstructed or prevented participating in the meeting.

Mr. Satya Prakash Tripathi, learned counsel for the respondents, states that the present appeal has become infructuous, and possibly this is the reason for the petitioner not pursuing the present appeal.

On 29th July, 2021, we had passed the following order:-

“Despite repeated calls, none has appeared on behalf of the appellant. However, in the interest of justice, the matter is adjourned.

List on 04.08.2021.”

Even today, despite repeated calls, none has entered appearance on behalf of the appellants.

As such, the present appeal stands dismissed for default.



Interlocutory Application(s), if any, shall stand
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit/

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