

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10252 of 2021

Ramaji Sah, Male, aged about 43 years, son of Satya Narayan Sah, resident of village- Mura, P.S. Mirganj, District- Gopalganj, presently elected Mukhiya of Semaraw Gram Panchayat within Hathua Block, District - Gopalganj and also the Member of State Working Committee, BJP Panchayati Raj Cell.

-Versus-

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The State Election Commission Bihar through its Secretary.
4. The State Election Commissioner, Bihar, Patna.
5. The Secretary, State Election Commission, Bihar, Patna.
6. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.

..... Respondents



Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate
For the Respondent/s : Mr. P.N. Shahi, AAG-6
Mr. Patanjali Rishi, A.C. to AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

Date : 08-06-2021

Learned counsel for the parties desire the matter be taken up today.

Petitioner has prayed for the following relief(s):

.That this application is being filed in the nature of Public Interest Litigation for issuance of a writ in the nature of mandamus or any other appropriate writ/rule/direction commanding the respondent authorities to extend the period of the present existing Panchayats in the State of Bihar, which is going to be dissolved on 15.06.2021 for want of Panchayat Election after completing its five years tenure as provided under Article 243(E) of the Constitution of India read with section 14 and 124 of Bihar Panchayat Raj Act, 2005 by allowing the representatives/the office bearers



of the dissolved Gram Panchayats by constituting an Executive Committee by appointing the Mukhiya of the dissolved Panchayat as Chairman with other elected and nominated members with a view not to frustrate the principle of democratic three tier of local self government, and the Respondent State may be prohibited not to vest the power of the Gram Panchayat in its Executive Authorities/Officers

at District and Block Level till the election of the Gram Panchayat is held and the Gram Panchayat is constituted after its dissolution on 15.06.2021.

And/or

Pass any other appropriate order/orders, writ/writs, direction/directions in the facts and circumstances of the present case.

After the matter was heard for some time, finding the Court not to be in favour with the submissions made at the bar, learned counsel for the petitioner under instructions, seeks permission to withdraw the present petition reserving liberty to approach the Government/appropriate authority venting out the grievances subject matter of the present petition.

We see no reason to disallow such a prayer.



As such, petition is permitted to be withdrawn
reserving liberty as prayed for.

We clarify that it shall be open for the authorities
concerned to take a decision in accordance with law. We have
not expressed any opinion on the merits of the case and all
issues are left open.

Petition stands dismissed as withdrawn with the liberty
aforesaid.

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

Learned counsel for the respondents undertakes to
communicate the order to the appropriate authority through
electronic mode.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/PKP-

AFR/NAFR	
CAV DATE	
Uploading Date	09.06.2021
Transmission Date	

