

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7693 of 2020

Bikendra Yadav, Son of Binda Yadav, Resident of Village- Murli, Ward No. 10, P.O.- Darpa, P.S.- Chhauradano, District- East Champaran at Motihari, presently Ward Member of Ward No. 10 of Gram Panchayat Raj, Ekdari, Block- Chhauradano, District- East Champaran at Motihari.

... .. Petitioner/s

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 District Magistrate, East Champaran at Motihari, District- East Champaran at Motihari.
4. The District Panchayat Raj Officer, East Champaran at Motihari, District- East Champaran at Motihari.
5. The Block Development Officer, Chhauradano District- East Champaran at Motihari.
6. Sheela Devi Wife of Ramjanam Prasad Yadav Resident of Village- Ekdari, P.O.- Ekdari, P.S. Chhauradano, District- East Champaran at Motihari, presently Mukhiya of Gram Panchayat Raj, Ekdari, Block- Chhauradano, District- East Champaran at Motihari.
7. The Panchayat Secretary Gram Panchayat Raj, Ekdari, Block- Chhauradano, District- East Champaran at Motihari.
8. Ram Babu Prasad Son of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
9. Munchun Khatoon Wife of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
10. Geeta Devi Wife of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
11. Babita Devi Wife of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
12. Sohan Ram Son of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
13. Savitri Devi Wife of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer,



Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.

14. Lalpari Devi Wife of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
15. Rajesh Mahto Son of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
16. Radhika Devi Wife of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
17. Deep Lal Ram Son of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
18. Guddu Baitha Son of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
19. Rajan Prasad Kushwaha Son of not known to the petitioner The Ward Member of Gram Panchayat Raj, Ekdari, through the Block Development Officer, Chhauradano, P.O. and P.S.- Chhauradano, District- East Champaran at Motihari.
20. The State Election Commission (Panchayat), Sone Bhawan Birchand Patel Path, Patna through the State Election Commissioner.
21. The State Election Commissioner The State Election Commission (Panchayat), Sone Bhawan Birchand Patel Path, Patna.
22. The Secretary The State Election Commission (Panchayat), Sone Bhawan Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s	:	Mr.Lalit Kishore (AG)
For the Election Comm.	:	Mr. Amit Shrivastava, Advocate
		Mr. Sanjeev Nikesh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-06-2021



Heard Mr. S.B.K. Mangalam, learned counsel for the petitioner and Mr. Amit Shrivastava, learned counsel for the Election Commission assisted by Mr. Sanjeev Nikesh.

2. It is admitted position that the tenure of the Panchayat Officer has out lived. Now the office of the Panchayat as Mukhiya and Up-mukhiya is vacant on account of expiry of the tenure and in view of the above, the issue with regard to the legality and validity of removal raised in the present proceeding has lost its relevance and, as such, the Court can not decide the academic issue.

3. In the facts and circumstances of the case, the Court is of the view that the issue raised in the present writ application has become irrelevant.

4. Accordingly, the writ application stands disposed of.

5. However, disposal of the writ application will not disentitle the petitioner to challenge the legality and validity of the constitution of the Advisory Committee before the appropriate authority by filing appropriate proceeding.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.07.2021
Transmission Date	NA

