

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7697 of 2020

Mamta Kumari Singh, wife of Dharmendra Kumar, resident of village- Hathi Tola, P.O. and P.S.- Maner, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna
3. The Director, Panchayat Raj, Bihar, Patna
4. The District Magistrate, Patna
5. The Sub Divisional Officer, Danapur, Patna
6. The Block Development Officer Cum Executive Officer, Maner Panchayat Samiti, Maner, Patna
7. Upendra Prasad, son of Late Musan Prasad, Up-Pramukh, resident of Tata Colony Madhopur, P.O.- Madhopur, P.S.- Maner, District- Patna, Pin-801108
8. Smt. Kumari Kiran Singh, wife of Sri Nityanand Rai, Member Panchayat Samiti, Magarpal, resident of Village- Ratan Tola, P.O.- Ratan Tola (Maner), P.S.- Maner, District- Patna, Pin-801108
9. Smt. Laxmi Devi, Wife of Sri Sushil Rai, Member Panchayat Samiti, Kita Chautar Pachami Part-I, resident of village- Badal Tola (Haldi Chapra), P.O.- Ramnagar, P.S.- Maner, District- Patna, Pin-801108
10. Smt. Rita Devi, Wife of Sri Bijendra Rai, Member Panchayat Samiti, Kita Chautar Pachami Part-2, resident of Village- Haldi Chapra, P.O.- Dudhaila, P.S.- Maner, District- Patna, Pin- 801108
11. Sri Satya Narayan Choudhary, son of Late Nem Chand Choudhary, Kita Chautar East, resident of village and P.O.- Chhihathar, P.S.- Maner, District- Patna, Pin- 801108
12. Smt. Switi Kumari, wife of Sri Chandan Prasad, Member Panchayat Samiti (Ex-Pramukh), Byapur, East, resident of village and P.O.- Byapur, P.S.- Maner, District- Patna, Pin- 801108
13. Smt. Phulmanti Devi, wife of Sri Maetar Mahto, Member Panchayat Samiti, Rampur Taufir, resident of village and P.O.- Hulasi Tola, P.S.- Maner, District- Patna, Pin- 801108
14. Smt. Faguni Devi, wife of Sri Umesh Prasad, Member Panchayat Samiti, Suarmarwa, resident of village- Suarmarwa, P.O.- Patila, P.S.- Maner, District- Patna, Pin- 801108
15. Smt. Chandrakanta Devi, wife of Sri Akhilesh Prasad, Member Panchayat Samiti, Gyaspur, resident of village and P.O.- Gyaspur, P.S.- Maner, District- Patna, Pin- 801108
16. Sri Ram Nath Rai, son of Late Chinta Rai, Member Panchayat Samiti, Sadikpur North, resident of village- Shivdayal Tola (Jamunipur), P.O.- Sadikpur, P.S.- Maner, District- Patna, Pin- 801108
17. Smt. Mahajbin Khatoon, wife of Md. Annul Haque, Member Panchayat Samiti, Sadikpur South, resident of village- Sikandarpur, P.O.- Mahinawa, P.S.- Maner, District- Patna, Pin- 801108



18. Sri Yadu Prasad, son of Late Dr. Rampukar Singh, Member Panchayat Samiti, Darbeshpur North, resident of village- Goriya Asthan, Near PNB Bank, P.O.- Byapur, P.s.- Maner, District- Patna, Pin- 801108
19. Smt. Nirmala Devi, wife of Sri Kamakhaiya Prasad Singh, Member Panchayat Samiti, Darbeshpur South, resident of Village- Naga Tola (Goraiya Asthan), P.O.- Byapur, P.s.- Maner, District- Patna, Pin- 801108
20. Smt. Sona Jhari Devi, wife of Sri Mano Ram, Mamber Panchayat Samiti, Singhara, resident of village- Dayal Chak (Harajan Tola), P.O.- Bahpura, P.s.- Maner, District- Patna, Pin- 801108
21. Smt. Kanti Singh, wife of Birju Prasad, Member Panchayat Samiti, Bank North, resident of village- Bhataheri (Byapur), P.O.- Byapur, P.s.- Maner, District- Patna, Pin- 801108
22. Sri Shankar Ram, son of Late Tulsi Ram, Member Panchayat Samiti, Bank South, resident of village- Gopalpur, P.O.- Kamla Gopalpur, P.s.- Maner, District- Patna, Pin-801111
23. Sri Bira Rai, son of Late Wakil Rai, Member Panchayat Samiti, Sherpur West Part-I, resident of village- Dos Nagar (Sherpur), P.O.- Byapur, P.s.- Maner, District- Patna, Pin- 801503
24. Sri Baban Sao, son of Late Kewal Sao, Member Panchayat Samiti, Sherpur East Part-II, resident of village and P.O.- Sherpur, P.s.- Maner, District- Patna, Pin- 801503
25. Sri Ajit Kumar Rajak, son of Sri Ram Chandra Rajak, Member Panchayat Samiti, Sherpur East Part-I, resident of village and P.O.- Sherpur, P.s.- Maner, District- Patna, Pin- 801503
26. Smt. Kamlawati Kumari, wife of Sri Binod Kumar, Member Panchayat Samiti, Khaspur, resident of Village- Khaspur, P.O.- Daudpur, P.s.- Maner, District- Patna, Pin- 801502
27. Sri Upendra Ram, son of Sri Ram Ekbal Ram, Member Panchayat Samiti, resident of village and P.O.- Balua, P.s.- Maner, District- Patna, Pin- 801113
28. Ram Nath Ram, son of Late Premchand Ram, Member Panchayat Samiti, resident of village and P.O.- Sarai, P.s.- Maner, District- Patna, Pin- 801113
29. Abhay Kumar, son of Late Sachida Nand Singh, resident of village- Byapur, P.O.- Byapur, P.s.- Maner, District- Patna
30. Arun Kumar Singh, son of Late Chinta Rai, Member Panchayat Samiti, Sherpur West Part-II, resident of Village- Brahamchari (Sherpur), P.O.- Sherpur, P.s.- Maner, District- Patna, Pin-801503

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Y. C. Verma, Sr. Advocate
Mr. Kanhaiya Pandey, Advocate
For the Respondent/s : Mr. Ajay, GA, 5
For the Election Commission: Mr. Amit Srivastava, Advocate
Mr. Girish Pandey, Advocate
For Res. Nos. 7 to 11, 18 to 25, 27 and 28 : Mr. Patanjali Rishi, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER



6 24-06-2021 Heard Mr. Y. C. Verma, learned senior counsel for the petitioner, Mr. Amit Srivastava, learned counsel for the Election Commission, assisted by Mr. Girish Pandey, and Mr. Patnajari Rishi learned counsel for the private respondents.

The petitioner has challenged the decision of No Confidence Motion on various grounds.

The tenure of the office, for which No Confidence Motion was carried out was expired and as such the issue has become infructuous.

Mr. Y.C. Verma, learned senior counsel for the petitioner submits that the State Government has constituted Advisory Committee and while constituting Advisory Committee the respondents have nominated the members of the erstwhile Panchayat representatives, which is separate cause of action for which the petitioner, if so advised, may approach the appropriate authority or agitate the issue in appropriate proceeding in accordance with law.

With the aforesaid liberty, the present writ application is disposed of as having become infructuous.

(Anil Kumar Upadhyay, J)

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