

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22425 of 2019

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1. Sunil Kumar aged about 33 years (male) son of Hiralal Pandit, resident of Nai Basti Mahadeva, Police Station- Mahadeva, District- Siwan.
 2. Raj Kumar @ Raj Kumar Basfor, aged about 46 years (male) son of Dinanath Basfor, resident of 168B Naya Bazar Bailhata, Police Station-Town, District- Siwan.

... .. Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Department of Urban Development and Housing, Patna.
2. The Deputy Secretary, Department of Urban Development and Housing, Patna.
3. The Board of Directors through its appropriate authority, Siwan Municipal Council, Siwan.
4. The Executive Officer, Siwan Municipal Council, Siwan.
5. Smt. Sindhu Singh (ex-Chairman) Siwan Municipal Council, wife of Dhananjay Singh, residence of Andhar Dhala Ram Nagar, Police Station-Town, District- Siwan- 841226.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Aditya Nr. Singh, Mr. Kundan Kumar Sinha, Advocates
For the State	:	Mr. Syed Hussain Majeed, AC to SC 6
For Nagar Parishad	:	Mr. Ravi Bhushan Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-03-2021 Heard learned counsel appearing on behalf of the petitioners, learned counsel appearing on behalf of the State as well as learned counsel appearing on behalf of the respondent-Nagar Parishad.

The writ application involves the issue in the nature of forcible resignation of the petitioners from the post of Ward Councillors and resignation letter was accepted by the



Chairman, Siwan Municipal Council and consequently right of the petitioners to cast vote in the meeting of no confidence motion has been ceased.

In the aforesaid circumstances, the Court grants liberty to the petitioners to approach Common Law Court for declaration that their resignation letters are forged and fabricated as such serious disputed question of fact cannot be decided by this Court in exercise of writ jurisdiction. Ultimately, this issue is to be decided by the competent civil court whether the resignation letters are forged and fabricated the civil court after trial will appropriately decide the issue. The effect of such declaration by competent court is binding on parties throughout i.e. from the date of alleged resignation and all subsequent decisions.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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