

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.478 of 2022

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Sarita Kumari, Female, aged 33 years, Wife of Sri Jitendra Kumar, Residing at Village- Parsauni Khirodhar, P.S. and Block- Parsauni, Dist.- Sitamarhi (Bihar). Petitioner/s

Versus

1. The Union of India, through its Secretary Ministry of Panchayat Raj, Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi, 110001.
2. The State of Bihar through its Principal Secretary Department of Panchayat Raj, In Patna (Bihar).
3. The State Election Commission (Panchayat) Bihar through Its Secretary, At Third Floor, Sone Bhawan, Veerchand Patel Road, In- Patna (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan No-II, Advocate
For the Respondent/s : Mr. Dr. Krishna Nandan Singh (ASG)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 13-01-2022

Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s):-

“That the application is being submitted to issue appropriate writ or order or direction to declare provisions of section 11, sub section (5) of section 15, sections 34, 35, sub section (2) of section 40, section 62, section 90 and sub section (5) of section 93 of the Bihar Panchayat Raj Act, 2006 to be unconstitutional, illegal and void and further to issue appropriate writ or order or direction to the Respondent No. 1 to specify “Intermediate level” a level between the village and district levels by the Governor of Bihar by public notification (Gazette of Bihar) to be the “Intermediate level” for the purposes of part-IX of the Constitution of India and to specify a village or group of villages by the Governor of Bihar by public notification (Gazette of Bihar) to be “a village” for the purposes of part IX of the Constitution of India and further to issue appropriate writ or order or direction to the

Respondent No. 1 and 2 to constitute Panchayats in accordance with the provisions of Part-IX of the Constitution of India and to held election according to law.”

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned i.e. (Respondent No. 3, the State Election Commission (Panchayat) Bihar through Its Secretary, At Third Floor, Sone Bhawan, Veerchand Patel Road, In- Patna (Bihar) to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the

grievance(s);

- (b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;
- (c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;
- (d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;
- (e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;
- (f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;
- (g) Liberty reserved to the petitioner to approach the

appropriate forum, if the need so arises
subsequently on the same and subsequent cause
of action;

(h) We have not expressed any opinion on merits. All
issues are left open;

(i) The proceedings, during the time of current
Pandemic- Covid-19 shall be conducted through
digital mode, unless the parties otherwise
mutually agree to meet in person i.e. physical
mode;

7. The petition stands disposed of in the aforesaid
terms.

8. Interlocutory Application(s), if any, stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	