

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1880 of 2022

Chetan Wipplaw, Son of Arvind Kumar Verma, Resident of Mohallah-Dharampur, Ward No. 03, P.O.- Garhpura, P.S.- Garhpura, District- Begusarai, Pin Code- 848204 (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate-cum- District Election Officer (Panchayat), Begusarai, District- Begusarai (Bihar).
4. The Sub Divisional Officer, Bakhari, District- Begusarai (Bihar).
5. The Block Development Officer, Block- Garhpura, District- Begusarai (Bihar).
6. The State Election Commission, Bihar 3rd Floor, Sone Bhawan, Bir Chand Patel Path, Patna through its Secretary, State Election Commission Bihar.
7. The Secretary, State Election Commission Bihar, 3rd Floor, Sone Bhawan, Bir Chand Patel Path, Patna.
8. Smt. Amol Devi Wife of Sri Praveen Kumar Duly Elected Pramukh of Panchayat Samiti, Territorial Constituency No. 01, Garhpura, Block- Garhpura, District- Begusarai (Bihar)
9. Smt. Nutan Devi Wife of Sri Dilip Kumar Yadav Garhpura, Duly Elected Up- Pramukh of Panchayat Samiti, Territorial Constituency No. 12, Block- Garhpura, District- Begusarai (Bihar)
10. Smt. Nusrat Perween Wife of Md. Jamshed Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 13, Garhpura, Block- Garhpura, District- Begusarai (Bihar)
11. Smt. Tika Devi Wife of Sri Shyam Bihari Thakur Duly Elected Member of Panchayat Samiti, Garhpura, Territorial Constituency No. 10, Block- Garhpura, District- Begusarai (Bihar)
12. Smt. Munni Devi Wife of Sri Ranjeet Thakur Duly Elected Member of Panchayat Samiti, Garhpura, Territorial Constituency No. 07, Block- Garhpura, District- Begusarai (Bihar)
13. Smt. Sunita Devi Wife of Sri Ramanand Ram Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 08, Garhpura, Block- Garhpura, District- Begusarai (Bihar)
14. Sri Niranjan Kumar Son of Sri Devendra Jha Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 11, Block- Garhpura, District- Begusarai (Bihar)
15. Sri Shiv Narayan Jha Son of Sri Munna Jha Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 06, Garhpura, Block- Garhpura, District- Begusarai (Bihar)



16. Sri Chintu Sharma Son of Sri Rameshwar Sharma Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 04, Garhpura, Block-Garhpura, District- Begusarai (Bihar)
17. Sri Randhir Kumar Singh Son of Sri Rajendra Singh, Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 03, Garhpura, Block-Garhpura, District- Begusarai (Bihar)
18. Sri Surendra Pathak Son of Sri Mahavir Pathak Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 02, Garhpura, Block-Garhpura, District- Begusarai (Bihar)
19. Sri Arvind Paswan Son of Sri Kharagdhari Paswan Duly Elected Member of Panchayat Samiti, Territorial Constituency No. 01, Garhpura, Block-Garhpura, District- Begusarai (Bihar)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava, Advocate
For the Respondent/s : Mr. Kameshwar Prasad Gupta (GP- 10)
Mr. Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 16-02-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. The petitioner is aggrieved by the election of Respondent No. 8 as *Pramukh* of the *Panchayat Samiti*, Garhpura in the district of Begusarai.

3. Mr. Shri Prakash Srivastava, learned counsel appearing on behalf of the petitioner has drawn our attention to Clause-19 of a communication of the State Election Commission, Bihar, addressed to all Divisional Commissioners



and District Magistrates-cum District Election Officers (Panchayat) in exercise of power under Section 40(4) of the Bihar Panchayat Raj Act, 2006 (for short 'the Act') which confers rule making power upon the State Election Commission for determination of disputes relating to election of *Pramukh* and *Up-Pramukh*. He contends that in terms of Clause 19 of the said communication, the petitioner has submitted an application before the District Magistrate, Begusarai on 30.12.2021, well within the time limit of one week prescribed under the said Clause, questioning election of Respondent No. 8 as *Pramukh*. He contends that till date no final decision has been taken by the District Magistrate. This application, in the aforesaid background, has been filed seeking quashing of election of Respondent No. 8 as *Pramukh* of *Panchayat Samiti*, Garhpura.

4. In view of the petitioner's statement made in the writ petition that he has invoked Clause-19 of the communication of the State Election Commission, Bihar in terms of notification dated 31.08.2010, which has been notified in the official gazette and said to have been issued in exercise of power under Section 40(4) of the Act, we consider it is appropriate to dispose of this application with a direction that let the District Magistrate, Begusarai take a final decision on the



petitioner’s representation within two months from the date of receipt/ production of a copy of this order, if required after giving an opportunity of hearing to the respective parties, if the same is pending before him.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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