

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9170 of 2020

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Sita Kumari Wife of Shivnandan Sah, Resident of Village - Phulaut West,
Police Station - Chaousa, District - Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretary, Old Secretariat, Bihar, Patna.
2. The Director, Department of Social Welfare, (I.C.D.S.) Old Secretariat, Patna.
3. The District Magistrate, Madhepura.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Programme Officer, Madhepura.
6. The Child Development Project Officer, Chousa, Madhepura.
7. The Mukhiya, Gram Panchayat Phulaut West, P.S. and Block - Chousa, District - Madhepura.
8. The Panchayat Secretary, Gram Panchayat, Phulaut West, P.S. and Block - Chousa, District - Madhepura.
9. The Ward Member Phulaut West, P.S. and Block - Chousa, District - Madhepura.
10. Jay Shree, W/o Shri Krishna Kumar Singh, Resident of Village - Phulaut West, P.S. Chousa, District - Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivnandan Sah
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 03-01-2022

Heard learned counsel for the parties.

2. Service of notice to the 10th Respondent is dispensed since no adverse order is passed.

3. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(I) For issuance of a Writ in the nature of certiorari for directing the Respondent authorities for setting



aside the Order dated 22.04.2020 (Annexure-11) passed by District Magistrate Madhepura and consequently Letter No. 824 dated 30.05.2020 (Annexure-12 issued by District Programme Officer, Madhepura whereby and where under proceeding of the general body Meeting (Gram Sabha) held on 13.04.2007 has been cancelled without following the law and procedure.

(II) Any other Writ or Writs for granting any other Relief or Reliefs for which the petitioner is found entitled.”

4. The petitioner has rushed to this Court in respect of challenging the District Magistrate order and it is subject matter of litigation before the 4th Respondent-Commissioner. The appeal was preferred by the 10th Respondent *Jay Shree*. When the statutory remedy of appeal is pending consideration before the 4th Respondent, the present petition cannot be entertained.

5. Accordingly, writ petition stands disposed off reserving liberty to the petitioner to make a necessary application/reply in appeal before the 4th Respondent-Commissioner. The 4th Respondent-Commissioner is hereby directed to decide the pending appeal within a period of three months from the date of receipt of this order after giving due ample opportunity of hearing to both the petitioner and the 10th Respondent.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

