

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10721 of 2021

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Bhartiya Panchayati Raj Party (Loktantrik) Through its President Rajiv Kumar Ranjan aged about 45 yrs. Old S/o Madan Mohan Prasad Flat No. 583, Taz View Apartment Pocket- 1, DDA SFS FLATS Sector 22 P.S. Dwarka District South West Delhi having its Registered office at B247, Priyadarshini Bihar, Delhi 110092 state office at Verma Center Boring Road Chauraha Patna- 1.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar, New Secretariat, Patna.
3. The Commissioner, State Election Commission, Bihar, Son Bhawan R-Block, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Shankar Das, Advocate
For the Respondent/s : Mr.Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-06-2022

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

- i. To quash the Gazette Notification dt.02.06.2021 vide no. 324 &, Bihar Ordinance No.03, 2021 whereby the State Govt. has amended the Bihar Panchayat Raj Act, 2006(Act 6,2006) by amending in section 14 of the act, section 39 of the act, section 66 of the act as well as section 92 of the act where newly sub section 5 added as :"(5) if for any reason, it is not



possible to hold the general election of Gram Panchayat, Panchayat Samiti, Zila Parishad, Gram Katchahry before the expiry of a period of five years specified in sub section (i) of section 14, 39 , 66 as well as 92 the three level panchayati Raj shall stand dissolved on the expiration of the said period & all the powers & functions vested them under this act & under any other law' for the time being in force shall be exercised or performed by an Advisory committee which the state Government may, by notification, constitute for this purpose "section 14 of the act. The decision of the State Govt is otherwise bad in law, improper violative of the rights of the Elected candidates & also Article 21 as well as different teeth of Constitution of India.

ii. To direct the Respondents to continue three tier of local self govt. Gram Panchayats not less than six months/onwards as well as till further to hold election as notified by the Election commission where the remainder of the period for which dissolved Panchayats and further to allow the elected members to exercise & perform their functions for the period at least six months onwards till notification of Panchayat level election. The elected members who are continuing because of non holding of elections due to pandemic Covid-19 so that as per the Ordinance their functions would be ceased. It is further without deciding the question of validity/vires of ordinance, the Panchayat Rajya Act 2006 can not be amended by the constitution of Advisory Committee to discharge the function. Which is improper, unjust, bad in law. The right is a constitutional right which the state is obliged to ensure the three tier local Govt. at the ground level.



B. Any other relief or relief s as your Lordships may deem fit and proper in the facts and circumstances of the case.

With the passage of time, we find the present petition to have become infructuous, inasmuch as, election under the Bihar Panchayat Raj Act already stands conducted.

Present petition stands dismissed as having become infructuous.

Interlocutory application, if any, also stands dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.06.2022
Transmission Date	NA

