

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12803 of 2021

Birendra Singh Son of Raja Ram Singh Resident of Village-
Barayabag (Amri), P.O. Karwandia, P.S. Sasaram Muffasil,
District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s : Mr.Pawan Kumar (AC To AG)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-06-2022

Heard learned counsel for the parties.

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

(I) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the clarification issued by the Respondent no.2 contained in his letter no.2916 dated 22.06.2021, whereby and where under he has been pleased to direct that from the date of final notification by which any area earlier governed by Gram Panchayat Act is included in Urban Local Bodies, the representatives of the Panchayat elected from that area would cease to hold his office under the Panchayat and, therefore, he would not be inducted in the Advisory Committees of the Gram Panchayat, the Panchayat Samiti and the Zila Parishad of the concerned Local Body constituted under the amended provision of the Bihar Panchayat Raj Act (hereinafter referred to as the Gram Panchayat Act).

(II) For a declaration that since in view of the provisions contained under Section 12 (8) of the Bihar Municipal Act, 2007 (hereinafter referred to as the Municipal Act) since it

is clearly provided that in newly constituted municipal area, the Local Authority having jurisdiction over such area immediately before such area was constituted as a municipal area shall continue to have jurisdiction and to perform its function till such time not exceeding six months from the date of notification under Section 6 of the Municipal Act, as may be necessary for holding election, the impugned advisory issued by the Respondent no.2 holding that the Panchayat representatives would cease to hold their office from the date of final notification is totally illegal and arbitrary.

(III)

For a further declaration that in view of the notification dated 09.06.2021 contained in Notification No.2757 dated 09.06.2021 since the Advisory Committee for the Gram Panchayat has to be constituted under the chairmanship of Mukhiya of the concerned Gram Panchayat, the Advisory Committee for Block Panchayat Samiti has to be constituted under the chairmanship of Pramukh of the concerned Block Panchayat Samiti and the Advisory Committee for Zila Parishad has to be constituted under the chairmanship of the Adhyaksh of the Zila Parishad holding the respective offices on the date of its dissolution, the Respondent no.2 would be obliged to issue a fresh

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notification , directing the Authorities competent to constitute an Advisory Committee, to act accordingly.
(IV) For issuance of any other appropriate writ/writs ,order/ orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

In view of the reply filed by the respondents as also the fact that the notification was issued way back in June 2021 to be effective only for a period of six months, we find that with the passage of time, the present petition has become infructuous.

As such, the present petition stands disposed of as having rendered infructuous. However, the question of law is left open to be adjudicated in an appropriate case, should the aggrieved party approach the Court as and when the need so arise subsequently.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	