

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14631 of 2022

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Usha Kumari (female), aged about 24 years, daughter of Domi Rajak and Wife of Raja Kumar, resident of Village- Pathraha, Ward No.9, P.O. and P.S. Ghailarh, District-Madhepura, presently residing at Village- Rahua, P.O. Sabaila, P.S. Sour Bazar, District-Saharsa, Presently Mukhiya of Gram Panchayat Raj, Dhabauli East, Block- Patarghat, District- Saharsa.

... .. 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.
3. The District Magistrate, Saharsa, District- Saharsa.
4. The District Panchayat Raj Officer, Saharsa, District- Saharsa.
5. The Block Development Officer, Patarghat, District- Saharsa.
6. The Block Panchayat Raj Officer, Patarghat, District- Saharsa.
7. The Accountant -cum- I.T. Assistant, Patarghat, Block, District- Saharsa.
8. The Panchayat Secretary, Gram Panchayat Raj, Dhabauli East, Block- Patarghat, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. B. K. Manglam, Advocate
For the State	:	Ms. Archana Meenakshee, GP 6

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

3 17-11-2022 Heard Mr. S. B. K. Managlam, learned counsel for the

petitioner and Ms. Archana Meenakshee, learned GP 6 for the

State.



2. The petitioner has moved the Court for the following reliefs:-

- “(i) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated 30.09.2022 issued under the signature of the Respondent no. 4 and contained in his letter no. 1457 dated 30.09.2022 communicated to the petitioner by the Respondent no. 6 vide his memo no. 215 dated 01.10.2022, whereby and where under the Respondent no. 4 has been pleased to withhold the financial power of the petitioner as the Mukhiya of her Gram Panchayat on the ground that Case No. 62 of 2022 (Samta Devi Vs. Usha Kumari) has been instituted in the State Election Commission against the petitioner.*
- (ii) For a declaration that so long, the petitioner’s election as the Mukhiya of the Gram Panchayat Raj, Dhabauli East is not set aside by the court of competent jurisdiction or the State Election Commission does not declare the petitioner disqualify to hold the post of Mukhiya of the said Gram Panchayat in exercise of its power under Section 136(2) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act), the Respondent Authorities does not have any jurisdiction under the law to cease any of the powers of the petitioners which has been conferred upon her by the Gram Panchayat Act after her election as the Mukhiya of the said Gram Panchayat.*
- (iii) 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.”*

3. At the outset, learned counsel for the State submits that the cause of action does not survive as the impugned order has been withdrawn. The same is not disputed by learned counsel for the petitioner.



4. Accordingly, the writ petition stands disposed of.

(Ahsanuddin Amanullah, J)

(Sunil Dutta Mishra, J)

J. Alam/-

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