

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.795 of 2023

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1. Nilu Devi, Wife of Sikandra Singh Resident of Village- Jiyan, P.O.- Bishunpur Aima, P.S.- Karja, District- Muzaffarpur, presently Member, Block Panchayat Samiti, Marwan, District- Muzaffarpur.
 2. Neha Singh, Wife of Sri Manish Kumar Singh Resident of Village and P.O.- Raksa, P.S.- Karja, District- Muzaffarpur, presently Member, Block Panchayat Samiti, Marwan, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
4. The Block Development Officer, Marwan-cum- Executive Officer, Block Panchayat Samiti, Marwan, District- Muzaffarpur.
5. The Block Panchayat Raj Officer, Marwan, District- Muzaffarpur.
6. Smt. Renu Devi, Wife of Ranjeet Kumar Gupta Presently Pramukh, Block Panchayat Samiti, Marwan, P.O.- Marwan, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar- Advocate
For the Respondent/s : Smt. Archana Meenakshee (GP-6)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and

learned counsel for the State.

The present writ application has been filing seeking

a direction upon the respondent No.2 for disposal of the

petitioners' application dated 02.01.2023 filed before the

respondent No.2 under Section 44(4) of the Bihar Panchayat

Raj Act, 2006 (hereinafter referred to as the Act) for



removal of respondent No.6 from the post of Pramukh of Block Panchayat Samiti, Marwan on the ground that after her election as the Pramukh of the said Block Panchayat Samiti, the respondent No.6 has not only misused her power of Pramukh for her personal gain rather has willfully omitted to perform her function as the Pramukh of the said Block Panchayat Samiti.

The learned counsel for the petitioners submits that the petitioner no.1 and respondent no.6 had contested for the post of Pramukh of the said Block Panchayati Samiti in the election held on 30.12.2021. However, after counting of votes, the petitioner no.1 and respondent no.6 got 10 votes each, as such, by draw of lots, the respondent no.6 was elected. It is next submitted that after the respondent no.6 got elected, she started misusing her power by not distributing the development funds to those territorial constituencies, who had not voted for her in the election of Pramukh and they were being deprived of the development. Accordingly, the same was complained before the Competent Authority by the petitioners. It is next submitted that even



the respondent no.6 had committed breach of Section 42 and 46(1) of the Act, thus making her liable for removal in terms of Section 44(4) of the Act.

The learned counsel for the petitioner next submits that he, accordingly, had represented before the respondent no.2 by filing an application under Section 44(4) of the Act dated 02.01.2023 (Annexure-7), but till date, no action has been taken. It is next submitted that no purpose would be served if the application of the petitioner is kept pending by the respondent no.2 as those territorial constituencies, which the respondent no.6 claims, had not supported her would remain deprived of the development. Thus, petitioners seek a direction upon the respondent no.2 for disposing of the application dated 02.01.2023 filed by the petitioners.

The learned counsel for the State has no objection to the prayer made by the learned counsel for the petitioners.

The Court is cautious of the fact that the respondent no.6 is also a party respondent to the present writ application, but in the nature of relief sought, notices



are not being issued.

After hearing the parties, the writ application is disposed of with a direction to the respondent no.2 to dispose of the application dated 02.01.2023 filed by the petitioners expeditiously, preferably within a period of three months from the date of receipt/production of a copy of this order, in accordance with law after giving opportunity of hearing to all the stakeholders including the respondent no.6.

(Satyavrat Verma, J)

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