

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5143 of 2023

1. Mohammad Babul Haq @ Md. Babul Haq Son of Mohammad Taslim, Resident of Village- Shankarpur, Ward No. 6, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
2. Md. Raza, Son of Mushtaque Ahmad, Resident of Village- Mujaulia, Ward No. 12, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
3. Md. Mohibul Hajam @ Md. Mohibul, Son of Md. Muslim Hajam, Resident of Village- Shankarpur, Ward No. 6, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
4. Rajkumari Devi, Wife of Upendra Rai, Resident of Village- Parsa Urf Parsad, Ward No. 8, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
5. Fatma Khatoon, Wife of Maksud, Resident of Village- Kumma Parsa, Ward No. 8, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
6. Ganesh Paswan, Son of Gonaar Paswan, Resident of Village- Mujaulia, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
7. Ramprit Mahato, Son of Gudar Mahto, Resident of Village- Majhauria, Ward No. 13, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
8. Chandan Devi, Wife of Ashok Yadav, Resident of Village- Maruki, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
9. Kumari Priyanka, Wife of Kamlesh Kumar @ Kamlesh Kumar Patel, Resident of Village- Maruki, Ward No. 3, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
10. Ramdaresh Thakur, Son of Aarjun Thakur, Resident of Village- Shankarpur, Parsa Urf Prasad, Ward No. 4, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
11. Sudhanshu Kumar, Son of Narmadeshwar Singh, Resident of Village- Shankarpur, Ward No. 5, P.O. Kumma, P.S. Sursand, District- Sitamarhi, Presently Ward Member of Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.

... .. 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 Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Sitamarhi, District- Sitamarhi.
6. The District Panchayat Raj Officer, Sitamarhi, District- Sitamarhi.
7. The Block Development Officer, Sursand, District- Sitamarhi.
8. The Block Panchayat Raj Officer, Sursand, District- Sitamarhi.
9. The Mukhiya, Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.
10. The Panchayat Secretary, Gram Panchayat Raj, Maruki, Block- Sursand, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S. B. K. Mangalam, Adv.

For the Respondent/s : Mr. Prabhat Ranjan, AC to GP 6

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-08-2023

Heard Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the petitioners and Mr. Prabhat Ranjan, learned counsel for the State.

2. The petitioners, who are Ward Member of the different Wards of Gram Panchayat Raj Maruki under Sursand Block in the district of Sitamarhi, preferred the present writ application under Article 226 of the Constitution of India seeking a direction commanding upon the respondent, especially upon respondent no. 4, who has been authorised by the State Government to perform function of Lok Prahari *vide*



notification dated 23.11.2022 as also the respondent no. 5 to hold an enquiry regarding development works executed in Gram Panchayat Raj Maruki under Sursand Block in the district of Sitamarhi and to send their recommendation to the State Government for initiating action against the respondent no. 9 for his removal under Section 18(5) of the Bihar Panchyat Raj Act, 2006. The petitioners have also prayed for a declaration that if the act of the respondent no. 9 while selecting the schemes to be executed in different Wards of Gram Panchayat unilaterally in violation of the provisions contained under Section 170A of the Gram Panchayat Raj Act has been brought to the notice of the respondent no. 5, he was under statutory obligation to hold an enquiry in the matter and recommend to the respondent no. 4.

3. Learned counsel for the petitioners submits that though for ventilating the aforesaid grievance, the petitioners have approached before the respondent no. 4 by filing an exhaustive representation as contained in Annexure-P/4 to enquire into the allegation/matter and take a final decision with regard to recommendation of initiation of a case under Section 18(5) of the Act, till date no action has been taken.

4. Considering the limited prayer of the petitioners, the present writ application stands disposed of with a direction



to the respondent no. 4 to consider the representation of the petitioners and take a final decision by bringing it to its logical conclusion preferably within a period of eight weeks, after receipt/production of a copy of this order.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	31.08.2023
Transmission Date	N.A.

