

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21453 of 2019

1. Uchhahi Bhagat @ Uchhahi Singh S/o Sri Suryadeo Bhagat Ward No.-01, resident of Village- Nawaka Tola, P.O. and P.S.- Mairwa, Dist.- Siwan.
2. Madan Kumar Baitha S/o Sri Motilal Baitha Ward No.-10, resident of Village- Prangarhi, Sri Nagar, Mairwa, P.O. and P.S.- Mairwa, Dist.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Divisional Commissioner Saran Division Saran at Chhapra.
3. The District Magistrate cum District Election Officer Siwan.
4. The Deputy Collector Land reform cum Election Officer Siwan Sadar, Siwan.
5. The Sub- Divisional Officer cum Election Officer Siwan Sadar, Siwan.
6. The Executive Officer Nagar Panchayat, Mairwa, Siwan.
7. Smt. Shubhawati Devi W/o Sri Jay Narayan Prasad Resident of Village- Mairwa Dham, Ward No.-11, P.O. and P.S.- Mairwa, Dist.- Siwan.
8. Smt. Reema Devi W/o Shailesh Kumar Ward Councillor no-1, resident of Village- Mairwa Tola Nawka, P.O.- Mairwa P.S.- Mairwa, Dist.- Siwan.
9. Bihari Lal S/o Late Rajendra Prasad Ward No. -03, Resident of Village- Main Road Mairwa, P.O. and P.S.- Mairwa, Dist.- Siwan.
10. Sushila Devi W/o Prabhu Prasad Ward No. -04, Resident of Village- Majhauri, P.O. and P.S.- Mairwa, Dist.- Siwan.
11. Ghanshyam Prasad S/o Satya Narayan Prasad Ward No. -05, Resident of Village- Nai Bazar Mairwa, P.O. and P.S.- Mairwa, Dist.- Siwan.
12. Nand Kishore Prasad S/o Late Radhe Kishan Prasad Ward No. -09, Resident of Village- Nai Bazar Mairwa, P.O. and P.S.- Mairwa, Dist.- Siwan.
13. Vikrama Gond S/o Late Lal Bihari Sah Ward No. -12, Resident of Village- Safjay Chhapar, P.O.-Langapura, P.S.- Mairwa, Dist.- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Maheshwar Prasad, Advocate
For the Respondent/s : Mr.Abbas Haider (Sc6)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 21-06-2023 Heard learned counsel for the petitioners as also Mr.

Prabhakar Singh who represents the Nagar Panchayat, Mairwa,



Siwan.

The petition has been filed with following reliefs

(i) for issuance of and appropriate writ, order dissection in the nature of certiorari, upon the respondents to bring the order of oath of secrecy to be taken by Smt. Shubhawati Devi/ respondent no-07 dated 17-09-2019 on record which is not supplied to the petitioner, and set-aside the said oath of secrecy, revoke the order and also further to stay the further any transaction of business of the taken by empowered Standing Committee as Presiding Officer Chief Councillor. Because Respondent No.-0 Shubhawati Devi earlier removed from the post of Chief Councillor from the office by a resolution carried by majority of the whole number of councillors Holding Office for the time being at a special meeting by more then one third of the total;

(ii) for issuance of an appropriate writ order directions to the official respondent to take action against the private respondents no-07 to 13 who leads to illegal act and participate in illegal and corrupt action practice with the collusion of Chief Councillor of Mairwa Nagar Panchayat, Mairwa, Siwan in Re-Election, Nominated again as candidates of Chief Councillor once earlier on 17-08-2019 respondent no- 06 had faced non-



confidence motion and by secret vote charged has proved and no-confidence passed by one third majority there is clear violation of section 25 sub-section 6 of the Bihar Municipal Act, 2007 and should be taken action against the respondents no- to 13 under section 18 (i) (j) (1). Because respondents no-07 to 13 are taken active part in illegality, corruption in re-election of Mairwa Nagar Panchayat, Mairwa, Siwan.

Learned counsel for the Nagar Parishad submits that with the passage of time the writ petition has become infructuous and fresh election has taken place.

Considering the aforesaid submission of Nagar Parishad, the petition is stands dismissed as infructuous.

(Rajiv Roy, J)

Prakash Narayan /-

U			
---	--	--	--

