

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18551 of 2022

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Mina Ray Wife of Ajit Kumar Azad Resident of Village- Kawakol, P.O. and
P.S.- Kawakol, District- Nawada.

... .. 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 District Magistrate, Nawada, District- Nawada.
5. The District Panchayat Raj Officer, Nawada, District- Nawada.
6. The Block Development Officer, Kawakol, District- Nawada.
7. Usha Devi, Wife of Binod Prasad Resident of Village- Dumahan, P.O.- Lalpur, P.S.- Kawakol, District- Nawada, presently Mukhiya of Gram Panchayat Raj, Lalpur, Block- Kawakol, District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Adv.
		Mr. Awnish Kumar, Adv.
For the Respondent/s	:	Mr. Anwar Karim, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 17-08-2023

Heard Mr. S.B.K. Manglam, learned counsel for
the petitioner as well as Mr. Anwar Karim, learned AC to GP-
10.

2. The petitioner by invoking the extraordinary writ
jurisdiction of this Court under Article 226 of the Constitution
of India, seeks issuance of an appropriate writ in the nature of
mandamus commanding the respondent no.2 to dispose of the
application filed by the petitioner under Section 18(5) of the



Bihar Panchayat Raj Act, 2006 (for short the 'Act of 2006') wherein a prayer has been made on behalf of the petitioner to remove the respondent no.7 from the post of Mukhiya of Gram Panchayat Raj, Lalpur, on the ground that after getting elected as the Mukhiya of the said Gram Panchayat, she has misused her power and also failed to discharge her duty under the Act of 2006.

3. At the outset, learned counsel for the petitioner submits that the said application is pending since 17.10.2022 before the respondent no.2, Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna, but till date neither any notice has been issued nor the date has been fixed in the matter, which compelled the petitioner to approach before this Court. He further submits that though the time has not been framed for disposal of such application, but in any case it must be disposed of within a reasonable period of time.

4. The aforesaid contention of the petitioner has not been refuted by the learned counsel representing the State.

5. Needless to observe that delay in dispensation of justice is not good for the society, it leads to distress, damage and resentment. Admittedly, the Act of 2006 does not prescribe any time limit for disposal of an application filed under Section



18(5), but in any stretch of imagination it must be dispose of within a reasonable time. What would be the reasonable, in absence of time limit always vary from case to case, since the power to be examined by the Principal Secretary is not an Executive power but a quasi judicial one, which requires issuance of show-cause notice to all the stakeholders and an independent hearing, where all aspect of matter must be evaluated and findings must merge on the basis of materials produced, in the opinion of this Court, three months would be a reasonable time to dispose of the application filed by the petitioner under Section 18(5) of the Act, 2006.

6. In view thereof, the present writ application stands disposed of with a direction to the respondent no.2 to take up the application dated 17.10.2022 of the petitioner and after affording proper opportunity of hearing to all the stakeholders dispose of the same in accordance with law preferably within a period of three months from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21-08-2023
Transmission Date	

