

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 254 of 2024

Manoj Kumar Son of Raghuvansh Prasad Ray Resident of Tarachak, Maipura,
P.S. Danapur, District Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department Of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secreary, Department of Panchayati Raj Government of Bihar, Vikas Bhawan , Bailey Road, Patna.
3. The Director, Department of Panchayati Raj Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-Cum-District Magistrte, District-Patna.
5. The District Panchayat Raj Officer, Patna.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
7. Vandana Rai Daughter of not Known Member Panchayat Area 11., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
8. Raj Kumar Son of not Known, Member Panchayat Area 17., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
9. Shatrughan Choudhary Son of Not Known, Member Panchayat Area 22., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
10. Santosh Kumar Son of not Known Member Panchayat Area No.13., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
11. Aarti devi Wife of not Known Member Panchayat Area No.1., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
12. Govind Prasad Son of not Known Member Panchayat Area No.18., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
13. Vijay Shankar Son of not Known Member Panchayat Area No.19., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.



14. Pooja Devi Wife of not Known Member Panchayat Area No.21., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
15. Sunita Devi Wife of not Known Member Panchayat Area No.10., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
16. Vijendra Kumar Son of Not Known Member Panchayat Area No.12., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
17. Rinku Devi Wife of not Known Member Panchayat Area No.14., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
18. Kamlesh Rai Son of not Known Member Panchayat Area No.7., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
19. Veena Devi Wife of Not Known Member Panchayat Area No.16., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
20. Reshmi Devi Wife of not Known Member Panchayat Area No.2., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
21. Pushpa Devi Wife of not Known Member Panchayat Area No.4., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
22. Shambhu Rai Son of not Known Member Panchayat Area No.3., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
23. Shambhu Rai Son of Not Known Member Panchayat Area No.9., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
24. Bedami Devi Wife of not Known, Member Panchayat Area No.11., Panchayat Samiti Members of the Block Panchayat Samiti, Danapur, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr. Suraj Samdarshi, Advocate.
For the Respondent/s : Mr. Prashant Pratap, GP-2.
For respondent nos. 7 to 13: Mr. Jitendra Singh, Sr. Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-01-2024 Heard Mr. Suraj Samdarshi, learned counsel appearing on behalf of the petitioner; Mr. Jitendra Singh, learned senior counsel for the respondent nos. 7 to 13 and Mr. Prashant Pratap, learned counsel for the State.

2. Mr. Jitendra Singh, learned senior counsel appearing on behalf of respondent nos. 7 to 13 informs this Court that there is clear violation of Section 46(1) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as “the Act”) and the same is contained in the requisition made by the members of the Panchayat Samiti for holding a special meeting of ‘no confidence’.

3. Considering the rival submissions made on behalf of the parties, the aggrieved parties may file their detailed application before the District Magistrate, Patna in respect of their respective grievance within a week. The District Magistrate is directed to exercise his jurisdiction under Section 157 of the Act and take a decision in accordance with the provision of Sections 44 and 46 of the Act. In case, he finds that a special meeting is required to be convened, in that case, he



may direct the Block Development Officer cum Executive Officer, Danapur, Patna to proceed in the manner as provided under Section 44(3)(i) of the Act.

4. The writ application stands disposed of.

(Purnendu Singh, J)

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