

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.779 of 2024

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Bhushan Bihari wife of Bhai Bhushan Bihari, R/o village- Nandwara, Ward No.5, P.O.- Bel, P.S.- Bairgania, District- Sitamarhi, at present Pramukh Bairgania, 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 District Magistrate, Sitamarhi.
4. The District Panchayat Raj Officer, Sitamarhi.
5. The Sub-Divisional Officer, Sadar, Sitamarhi
6. The Block Development Officer-cum-Chief Executive Officer, Prakhand Panchayat Samiti, Bairgania, District- Sitamarhi
7. Ram Lal Paswan father's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi
8. Bibha Devi husband's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi.
9. Bharti Devi husband's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi
10. Sukeshwari Devi husband's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi
11. Mehnaz Khanam husband's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi
12. Tajmun Nesha husband's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi
13. Shweta Devi husband's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi.
14. Rani Devi husband's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi.
15. Md. Aslam father's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi.
16. Md. Kasim father's name not known, Panchayati Samiti Member, Bairgania, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha, Advocate
For the State	:	Mr. Standing Counsel 11
For respondent no.10	:	Mr. S. B. K. Manglam, Advocate
		Mr. Awnish Kumar, Advocate



CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-01-2024 Heard Mr. Ashok Kumar Jha, learned counsel appearing on behalf of the petitioner and Mr. S. B. K. Manglam along side Mr. Awnish Kumar, learned counsels for the respondent no.10 and learned SC 11 for the State.

2. The petitioner is the Pramukh and he had already chosen to fix the date of the meeting on 11.01.2024. The Block Development Officer -cum- Executive Officer had found it to be not in accordance with the provision of Sections 44 and 46(4) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as “the Act”) because seven days clear period of notice was not given and directed the Up-pramukh to fix the date of special meeting on 20.01.2024.

3. Learned counsel appearing on behalf of the petitioner seeks to avail remedy under Section 157 of Bihar Panchyat Raj Act, 2006 (hereinafter referred to as “the Act”) for the relief, as prayed for in the present writ petition.

4. The District Magistrate, Sitamarhi must verify whether the petitioner had fixed the special meeting on 11.01.2024 is in conformity with the provision of Section 46(4) of the Act. The action of Block Development Officer and Up-Pramukh is also required to be inquired into, who has fixed the



date of special meeting on 20.01.2024. The District Magistrate is further directed to call for the records relating to Panchayat Samiti of concerned Block and fix a date within two days after communication of this order for the attendance of Pramukh, Up-Pramukh and all the members of the Panchayat Samiti and seek their signature in his own presence and thereafter he may fix a date for providing opportunity of hearing to the affected parties and decide the matter considering the charges as contained in the requisition. If he finds that there is violation of manner as prescribed under Section 44 or Section 46 of the Act and same requires interference in any manner with respect to calling of “No Confidence Motion”, he may pass a speaking order strictly in accordance with law.

5. The special meeting dated 20.01.2024 shall lose its operation till final decision is taken by the District Magistrate.

6. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

Sanjay/-

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