

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.903 of 2024**

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Avadhesh Paswan Son of Suresh Paswan, Resident of village Mulrajpur  
Diyara, Block and P.S. - Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, District - Patna, Patna.
3. The Sub-Divisional Officer, Sub-Division Barh, District - Patna.
4. The Block Development Officer, Block Bakhtiyarpur, District - Patna.
5. Kanchan Ray, Up-pramukh, Panchayat Samiti, Bakhtiyarpur, through the Block Development Officer, Bakhtiyarpur, District - Patna.
6. Jaymala Kumari, Member, Karnauti (north), Panchayat Samiti, Bakhtiyarpur, elected members of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
7. Manohar Ray, Member, Satmaya Ramnagar, Panchayat Samiti, Bakhtiyarpur, elected members of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
8. Gulfaraz Alam, Member, Alipur Bihar, Panchayat Samiti, Bakhtiyarpur, elected members of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
9. Nitu Kumari, Member, Ghoswari, Panchayat Samiti, Bakhtiyarpur, elected members of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
10. Roshni Devi, Member, Ghagh, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
11. Pinki Devi, Member, Hidayatpur Saidpur, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
12. Arun Mahto, Member, Hardaspur, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
13. Nakul Mochi, Member, Misi, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
14. Rajni Devi, Member, Mogalpur, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
15. Babita Kumari, Member, Domaan, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.



16. Santosh Kumar, Member, Vidhipur, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
17. Gita Devi, Member, Vidhipur Narauli, Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
18. Nibha Kumari, Member, Champapur (West), Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.
19. Indu Devi, Member, Champapur (East), Panchayat Samiti, Bakhtiyarpur, elected member of Panchayat Samiti, Bakhtiyarpur through the Block Development Officer, Bakhtiyarpur, District Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Choudhary, Advocate.  
Mr. Akshansh Ankit, Advocate.  
For the Respondent/s : Mr. Shailesh Kumar, AC to GP-12.

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      16-01-2024                      Heard the parties.

2. Mr. Ashok Kumar Choudhary, learned counsel appearing on behalf of the petitioner submits that the petitioner seeks to avail remedy under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter to be referred as the 'Act') before the District Magistrate, Patna, for the relief(s) as prayed for in the present writ petition.

3. Considering the limited relief(s) as sought for by the petitioner, the District Magistrate, Patna, is directed to call for the records relating to the 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 Bihar Panchayat Raj Act, 2006 and same requires interference in any manner with respect to calling of 'No Confidence Motion', which has been fixed on 19.01.2024, the District Magistrate after providing opportunity of hearing may pass a speaking order strictly in accordance with law.

4. The special meeting dated 19.01.2024 shall lose its operation till final decision is taken by the District Magistrate.

5. As the order has been passed in the open Court, Mr. Shailesh Kumar, learned counsel for the State has ensured that he will immediately communicate the District Magistrate, Patna, by both the means, fax, as well as, by telephonic communication, even before the order is pronounced.

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

**(Purnendu Singh, J)**

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