

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.829 of 2024

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Anuj Ram s/o Narsingh Ram, Resident of Dihra, P.S.-Obra, Aurangabad,
District-Aurangabad-824130.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Director, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad, Bihar.
4. The District Panchayat Raj Officer, Aurangabad, Bihar.
5. The Sub Divisional Officer, Daudnagar, District-Aurangabad, Bihar.
6. The Block Development Officer, Obra, Aurangabad, Bihar.
7. The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
8. Tushar Kumar, Presently Up-Pramukh of Obra Panchayat Samiti, P.O. and P.S.-Obra, District-Aurangabad, Bihar.
9. Satyendra Paswan, S/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
10. Kaushal Kishore Pandey, S/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
11. Momtaz Ansari, S/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
12. Baby Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
13. Gulam Sarwar, S/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
14. Runti Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
15. Phulkanti Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
16. Suman Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
17. Asha Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.



Samiti), Obra, Aurangabad, Bihar.

18. Nilu Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
19. Shakuntala Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
20. Chanda Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
21. Sunaina Devi, W/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.
22. Sunil Kumar, S/o not known, members of Obra Panchayat Samiti, Obra through The Block Panchayat Raj Officer cum Executive Officer (Panchayat Samiti), Obra, Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Bihari, Advocate
For the Respondent/s : Mr. Jitendra Kumar, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioner and learned
counsel for the respondent(s).

2. Mr. Bipin Bihari, 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, Aurangabad, 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, Aurangabad, 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 18.01.2024, the District Magistrate after providing opportunity of hearing may pass a speaking order strictly in accordance with law.

4. The special meeting dated 18.01.2024 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. Jitendra Kumar, learned AC to AAG-9 appearing on behalf of the State has ensured that he will immediately communicate the District Magistrate, Aurangabad, 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.)

Chn/-
Ashishsingh/-

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