

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.761 of 2024

Aneeta Devi Wife of Sri Suman Kumar, resident of Village and P.O. Gouspur Sarsauna, P.S.-N.H. Bangra, District Samastipur, presently Member of Block Panchayat Samiti, Tajpur, District Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur, District-Samastipur.
4. The District Panchayat Raj Officer, Samastipur, District-Samastipur.
5. The Sub Divisional Officer, Sadar Samastipur, District-Samastipur.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, District-Samastipur.
7. The Block Panchayat Raj Officer, Tajpur, District-Samastipur.
8. Smt. Punam Devi, wife of not known to the petitioner, presently Pramukh of Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
9. Smt. Garima Suman, wife of not known to the petitioner, presently UP-Pramukh of Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
10. Smt. Geeta Devi, wife of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
11. Smt. Rekha Devi, wife of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
12. Sri Praveen Kumar, son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
13. Sri Ganga Sah, son of not known to the petitioner, elected members of Block



Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.

14. Smt. Shabnam Khatoon wife of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
15. Sri Khalilur Rahman, son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
16. Md. Sohail son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
17. Sri Pawan Kumar Yadav, son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
18. Smt. Veena Kumari, wife of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
19. Sri Ganesh Thakur, son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
20. Sri Kumar Gaurav, son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
21. Smt. Firdaus Khatoon wife of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.



22. Sri Sonu Kumar son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.
23. Sri Pappu Kumar Sah, son of not known to the petitioner, elected members of Block Panchayat Samiti, Tajpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Tajpur, P.O. and P.S. Tajpur, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Advocate Mr. S.B.K. Manglam, Advocate
For the Respondent/s	:	Mr. Ajay, GA 5

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 12-01-2024

Heard learned counsel for the parties.

2. Learned counsel appearing on behalf of the petitioner informs this Court that No Confidence Motion is to be held on 13.01.2024. Apprehension of the petitioner is that the Pramukh and Up-Pramukh may indulge in malpractice in connivance with Block Development Officer, Tajpur, District, Samastipur. Learned counsel further submitted that seven members have filed their requisition before the Pramukh and they have also filed an application before the District Magistrate, Samastipur.

3. Mr. Ajay, learned GA 5 appearing on behalf of the State, submitted that since the matter is now before District



Magistrate, Samstipur and he has jurisdiction under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as “the Act”) to take appropriate action on the basis of application made by seven members, the writ petition is premature, no interference is required by this Court at this stage.

4. Having considered the rival submissions made on behalf of the parties and the fact that matter is to be decided by the the District Magistrate, I do not find it proper to interfere at this stage considering the fact that the District Magistrate has jurisdiction under Section 157 of the Act to take appropriate action on the application dated 08.01.2024 made by the seven members of the Panchayat Samiti, for interfering with the special meeting which is to be convened on 13.01.2024, at 11:00 a.m.

5. The District Magistrate is directed to take appropriate steps in accordance with the provision of the Act, particularly in accordance with the provision contained in Sections 44 and 46 of the Act by exercising his jurisdiction under Section 156 of the Act by passing a necessary order.

6. Till he decides the matter, the meeting which is proposed to be held on 13.01.2024 shall remain suspended.

7. It is made clear that as the matter is pending before



the District Magistrate, he may not be prejudiced by any of the observations made by this Court in the present order.

8. The writ petition is disposed of.

9. Since the order has been passed in the open Court in front of the counsels appearing on behalf of the parties, Mr. Ajay, learned GA 5 is requested to communicate this order to the District Magistrate, Samastipur forthwith to act in accordance with law, without it being pronounced today, considering the fact that special meeting of No Confidence Motion is fixed on 13.01.2024.

(Purnendu Singh, J)

Sanjay/-Niraj

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.01.2024
Transmission Date	NA

