

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.833 of 2024

Geeta Singh Wife of Deepak Kumar, Resident of Village and P.O. Indrar,
Indrarh, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The District Panchayati Raj Officer, Aurangabad (Bihar).
4. The Block Development Officer Rafiganj Cum Executive Officer, Rafiganj Panchayat Samittee, P.O and P.S. Rafiganj, District Aurangabad (Bihar).
5. Rajanti Devi, Wife of Kamlesh Singh, at present Up- Pramukh of Panchayat Samittee Rafiganj Block, village Itar, P.O Pauthu, District -Aurangabad.
6. Sadhna Singh, Wife of Chhote Sharma, Member of Panchayat Samittee of Territorial Constituency No.1, resident of Village and P.O Darpa, District- Aurangabad (Bihar).
7. Saweety Devi , Wife of Manoranjan Sharma, the Member of Panchayat Samittee of Territorial Constituency No.2, resident of Village and P.O Pauthu, District Aurangabad (Bihar).
8. Anju Devi , Wife of Mahendra Yadav, the Member of Panchayat Samittee of Territorial Constituency No.3, resident of Village-Itar P.O. Pouthu, District Aurangabad (Bihar).
9. Savitri Devi, Wife of Birendra Yadav, the Member of Panchayat Samittee of Territorial Constituency No.5, resident of Village Karma P, District Aurangabad (Bihar).
10. Ramashis Kumar Nirala, Son of Umesh Kumar, the Member of Panchayat Samittee of Territorial Constituency No.6, resident of Village and P.O Pouthu, District Aurangabad (Bihar).
11. Mukesh Kumar Singh, Son of Ramdhar Singh, the Member of Panchayat Samittee of Territorial Constituency No.9, resident of Village and P.O. Pogar, District Aurangabad (Bihar).
12. Upendra Yadav, Son of Alakh Yadav, the Member of Panchayat Samittee of Territorial Constituency No.10, resident of Village and P.O Sharda Bigha P.S. Rafiganj, District Aurangabad (Bihar).



13. Prabha Devi, Wife of Gopal Prasad, the Member of Panchayat Samittee of Territorial Constituency No.11, resident of Village Kajapa, District Aurangabad (Bihar).
14. Kumari Sarita Singh, Wife of Rajeev Singh, the Member of Panchayat Samittee of Territorial Constituency No.12, resident of Village Kadsara P.O. Rafiganj, District Aurangabad (Bihar).
15. Sanaha Singh, Wife of Amit Kumar Singh, the Member of Panchayat Samittee of Territorial Constituency No.13, resident of Village Kauwakhop, P.O. Rafiganj, District Aurangabad (Bihar).
16. Satendra Yadav Son of Late Chandradeo Yadav, the Member of Panchayat Samittee of Territorial Constituency No.14, resident of Village Hariharganj, P.O. Hariharganj, District Aurangabad (Bihar).
17. Dhiraj Kumar Singh, Son of Jagdish Singh, the Member of Panchayat Samittee of Territorial Constituency No.15, resident of Village Jain Bigha P.O. Rafiganj, District Aurangabad (Bihar).
18. Janeshwar Paswan, Son of Karu Paswan, the Member of Panchayat Samittee of Territorial Constituency No.16, resident of Village Baliganw P.O. Rafiganj, District Aurangabad (Bihar).
19. Laxmi Saw, Son of Mungeshwar Saw, the Member of Panchayat Samittee of Territorial Constituency No.17, resident of Village Khairi Mudila P.O. Rafiganj, District Aurangabad (Bihar).
20. Kartik Sharma, Son of late Shivnandan Sharma, the Member of Panchayat Samittee of Territorial Constituency No.18, resident of Village Gazi Karma, P.S and P.O. Rafiganj, District Aurangabad (Bihar).
21. Rinky Devi, Wife of Suraj Choudhary, the Member of Panchayat Samittee of Territorial Constituency No.19, resident of Village and P.O. Charkanwan, District Aurangabad (Bihar).
22. Rinku Devi, Wife of Amar Prasad, the Member of Panchayat Samittee of Territorial Constituency No.20, resident of Village and P.O Charkanwan, District Aurangabad (Bihar).
23. Basanti Devi, Wife of Surendra Vishwakarma, the Member of Panchayat Samittee of Territorial Constituency No.21, resident of Village Pachhar, P.O. Kasma, District Aurangabad (Bihar).
24. Md. Hassan Sidhiki, Son of Abul Hasnat, the Member of Panchayat Samittee of Territorial Constituency No.22, resident of Village Kerap P.O Kerap,



District Aurangabad (Bihar).

25. Jainat Fahami, Wife of Usman, the Member of Panchayat Samittee of Territorial Constituency No.23, resident of Village and P.O Hakimchak P.S. Rafiganj, District Aurangabad (Bihar).
26. Noor Fatma, Wife of Aman Khan, the Member of Panchayat Samittee of Territorial Constituency No.24, resident of Village and P.O Sihuli District Aurangabad (Bihar).
27. Iswar Kumar, Son of Satendra Choudhary, the Member of Panchayat Samittee of Territorial Constituency No.26, resident of Village Gordiha P.O. Rafiganj, District Aurangabad (Bihar).
28. Ajbun Nisha, Wife of Akhlakur Raman, the Member of Panchayat Samittee of Territorial Constituency No.27, resident of Village and P.O Lohra, District Aurangabad (Bihar).
29. Sunaina Devi, Wife of Ramchandra Saw, the Member of Panchayat Samittee of Territorial Constituency No.28, resident of Village and P.O Chenw, District Aurangabad (Bihar).
30. Rubi Parveen, Wife of Md. Kaibur Ansdari, the Member of Panchayat Samittee of Territorial Constituency No.25, resident of Village Sonwearsa, P.O. Sonwarsa, District Aurangabad (Bihar).
31. Md. Ehsan, Son of Md. Sahahuddin, the Member of Panchayat Samittee of Territorial Constituency No.29, resident of Village and P.O Rafiganj, District Aurangabad (Bihar).
32. Arvind Choudhary, Son of Kail Choudhary, the Member of Panchayat Samittee of Territorial Constituency No.30, resident of Village and P.O. Pipra, District Aurangabad (Bihar).
33. Shanti Devi, Wife of Sudama Choudhary, the Member of Panchayat Samittee of Territorial Constituency No.31, resident of Village Shimla, P.O. Kasma, District Aurangabad (Bihar).
34. Arti Devi, Wife of Awadhesh Rawani, the Member of Panchayat Samittee of Territorial Constituency No.33, resident of Village and P.O Khaira Itwa, District Aurangabad (Bihar).
35. Mira Devi, Wife of Diwakar Kumar, the Member of Panchayat Samittee of Territorial Constituency No.32, resident of Village Miya igha, P.O. Kasma, District Aurangabad (Bihar).

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh, Sr. Advocate
Mr. Rajnish Ranjan, Advocate
For the Respondent/s : Mr. Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 16-01-2024

Heard Mr. Bindhyachal Singh, learned senior counsel appearing on behalf of the petitioner and Mr. Ramadhar Singh, learned GP-25 appearing on behalf of the State.

2. Mr. Bindhyachal Singh, learned senior 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 20.01.2024, the District Magistrate after providing opportunity of hearing may pass a speaking order strictly in accordance with law.

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

5. As the order has been passed in the open Court, learned counsel for 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)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	16.01.2024
Transmission Date	N/A

