

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.849 of 2024

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Beby Devi Wife of Manoj Kumar, R/o village Harpura, Pirhi, P.S- Dulhin Bazar, District- Patna- 801102.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-cum-District Magistrate, District- Patna.
5. The District Panchayat Raj Officer, Patna.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block - Dulhin Bazar, District- Patna.
7. Rekha Devi, wife of not known, Member Panchayat Area- Achua Raksiya Panchayat, Block- Dulhin Bazar, District- Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block - Dulhin Bazar, Patna.
8. Jay Kumar, Son of not known Member Panchayat Sadabah- Dokha Panchayat, Block Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, Patna.
9. Pramod Kumar Prabhakar, son of not known, Member Panchayat, Rajipur Panchayat, Block- Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, Patna.
10. Nawlesh Kumar, son of not known, Member Panchayat, Ular- Sorempur Panchayat, Block- Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, Patna.
11. Arun Kumar, son of not known, Member Panchayat, Lala Bhadsara Panchayat, Block- Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, Patna.
12. Neeraj Kumar, son of not known, Member Secretary, Sadabah- Dorwa Panchayat, Block- Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar,



Block- Dulhin Bazar, Patna.

13. Manorma Devi, Wife of not known, Member Secretary, Soniyawan Panchayat, Block-Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, Patna.
14. Piniki Devi, wife of not known, Member Secretary, Baharatpura Panchayat, Block-Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block-Dulhin Bazar, Patna.
15. Archana Sharma, wife of not known, Member Secretary, Fatehpur Panchayat, Block- Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, Patna.
16. Ram Prasad, Son of not known, Member Secretary, Narhi Pirhi Panchayat, Block-Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block-Dulhin Bazar, Patna.
17. Seema Singh, wife of not known, Member Secretary, Kab Panchayat, Block-Dulhin Bazar, Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, Patna.
18. Sonalika Devi, Wife of not known, Member Secretary, Silahauri Behanri Panchayat, Block- Dulhin Bazar, District- Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block - Dulhin Bazar, Patna.
19. Jyoti Devi, wife of not known, Member Secretary, Ayenkhan Panchayat, Block Dulhin Bazar, District- Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block-Dulhin Bazar, Patna.
20. Gyatri Devi, wife of not known, Member Secretary, Kopa Singhara Panchayat, Block-Dulhin Bazar, District- Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block - Dulhin Bazar, Patna.
21. Suryamani Devi, wife of not known, Member Secretary, Silahauri Belhanri Panchayat, Block- Dulhin Bazar, District- Patna, Panchayat Samiti member of the Block Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block - Dulhin Bazar, Patna.
22. Anita Devi, wife of not known, Member Secretary, Dhana Panchayat, Block-Dulhin Bazar, District- Patna, Panchayat Samiti member of the Block



Panchayat Samiti, Dulhin Bazar, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block-Dulhin Bazar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate
For the State : Mr. S. Kumar Singh, AAG-13

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-01-2024 Heard Mr. Sumit Shekhar Pandey, learned counsel appearing on behalf of the petitioner and Mr. S. Kumar Singh, learned AAG-13 for the State.

2. Mr. Sumit Shekhar Pandey, 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 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, 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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