

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.791 of 2024

Shruti Shree Wife of Anand Madhukar, Resident of Laljitola, near Railway Cabin, P.O. - G.P.O, P.S. - Gandhi Maidan, Patna- 800001, presently residing at village - Balwa, P.O.- Varuna, P.S. - Fathua, Dist. - Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Sub Divisional Officer, Patna City, District Patna.
5. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Fatua, District Patna.
6. Rajnish Kumar, Son of Late Ram Swarath Singh, R/o Chackbihari, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
7. Lala Ray, Son of Kameshwar Rai, R/o Bakarchak, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
8. Ravindra Kumar Singh, Son of Ram Kripal Singh, R/o Alawalpur, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
9. Meeta Devi, Wife of Sanjay Singh, R/o Masarahi, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
10. Suryamani Devi, Wife of Naresh Ravidas, R/o Jaithiya, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
11. Renu Devi, Wife of Jageshwar Rai, R/o Maujipur, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
12. Rekha Devi, Wife of Pappu Kumar, R/o Dumri, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
13. Amrita Devi, Wife of Hareram Paswan, R/o Kismiriya, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat



Samiti, District Patna.

- 14. Tippal Kumar, Son of Shahdev Thakur, R/o Mominpur, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 15. Birender Kumar, Son of Ashok Yadav, R/o Narayana, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 16. Manoj Sao, Son of Basudeo Sao, R/o Usfa, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 17. Indal Paswan, son of Ram Mani Paswan, R/o Sahora, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 18. Nisha Kumari, wife of Jitendra Kumar, R/o - Gangapur, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 19. Radha Devi, Wife of Chandan Kumar, R/o - Jethuli, Fathua, Patna. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 20. Santosh Kumar, son of Birju Prasad, R/o- Kolhar, Fathua, Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 21. Ram Prasad Paswan, Son of Maran Paswan, R/o - Rasalpur, Pitambarpur, Fathua. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.
- 22. Sabuja Devi, Wife of Arvind Prasad, R/o - Bhikhua, Fathua. Elected member of Block Panchayat Samiti, Fatua, through Block Development Officer-cum-Executive Officer, Fatua, Block Panchayat Samiti, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Advocate
	:	Mr. Apurv Harsh, Advocate
	:	Mr. Manu Tripurari, Advocate
	:	Mr. Sujit Kumar, Advocate
	:	Mr. Raghu Raj Pratap, Advocate
	:	Mr. Almany, Advocate
For the Resp. No.12	:	Mr. Shailendra Kr. Jha, Advocate
For the Respondent/s	:	Mr. Government Pleader 19

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. Amit Shrivastava, learned Senior Advocate 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, learned Government Pleader No.19, appearing on behalf of 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.)

Chn/-
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