

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1067 of 2024

1. Md Mustaq Son of Samiruddin @ Haji Samiruddin Resident of Village - Chakla Dhangadha, P.O. Dhangadha, P. S. Kodhovari District - Kishanganj.
2. Akhtari Begum Wife of Ayub Alam Resident of Village - Chakla Dhangadha, P.O. Dhangadha, P. S. Kodhovari District - Kishanganj.
3. Maleka Khatoon Wife of Mozibur Rahman Resident of Village - Naya Basti Kumhartoli, P.O. Tulsia, P. S. Dighalbank, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Panchayati Raj, Government of Bihar, Patna,
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna,
3. The District Magistrate, Kishanganj,
4. The Executive Officer-cum- Block Panchayati Raj Officer, Dighal Bank, Kishanganj,
5. Yashmin Aash, Pramukh, Dighalbank Panchayat Samiti, Kishanganj,
6. Anjari Begum, Up Pramukh, Dighalbank Panchayat Samiti Member Panchayat Samiti, Area no. 20, Dighalbank Panchayat Samiti, Kishanganj
7. Vijendra Kumar Murmu, Member Panchayat Samiti, Area no. 1, Dighalbank Panchayat Samiti, Kishanganj
8. Sravan Kumar Rajbhar, Member Panchayat Samiti, Area no. 2, Dighalbank Panchayat Samiti, Kishanganj
9. Shiva Devi, Member Panchayat Samiti, Area no. 3, Dighalbank Panchayat Samiti, Kishanganj
10. Dil Naz Begum, Member Panchayat Samiti, Area no. 4, Dighalbank Panchayat Samiti, Kishanganj
11. MD. Miftahul Haq, Member Panchayat Samiti, Area no. 5, Dighalbank Panchayat Samiti, Kishanganj
12. Ram Prasad Ganesh, Member Panchayat Samiti, Area no. 7, Dighalbank Panchayat Samiti, Kishanganj
13. Bijli Devi, Member Panchayat Samiti, Area no. 8, Dighalbank Panchayat Samiti, Kishanganj
14. Pankaj Kumar, Member Panchayat Samiti, Area no. 9, Dighalbank Panchayat Samiti, Kishanganj
15. Mishri Lal Das, Member Panchayat Samiti, Area no. 10, Dighalbank Panchayat Samiti, Kishanganj
16. Pramila Devi, Member Panchayat Samiti, Area no. 11, Dighalbank Panchayat Samiti, Kishanganj
17. Rukaiya Khatoon, Member Panchayat Samiti, Area no. 12, Dighalbank Panchayat Samiti, Kishanganj



- 18. Yar Mohammad, Member Panchayat Samiti, Area no. 13, Dighalbank Panchayat Samiti, Kishanganj
- 19. Minnat Pravin, Member Panchayat Samiti, Area no. 14, Dighalbank Panchayat Samiti, Kishanganj
- 20. Asma Khatoon, Member Panchayat Samiti, Area no. 18, Dighalbank Panchayat Samiti, Kishanganj
- 21. Mustafi Begum, Member Panchayat Samiti, Area no. 19, Dighalbank Panchayat Samiti, Kishanganj
- 22. Jafar Husnain, Member Panchayat Samiti, Area no. 21, Dighalbank Panchayat Samiti, Kishanganj
- 23. Abdul Kayum, Member Panchayat Samiti, Area no. 22, Dighalbank Panchayat Samiti, Kishanganj
- 24. Ajmat Ali, Member Panchayat Samiti, Area no. 23, Dighalbank Panchayat Samiti, Kishanganj

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Shrivastava, Sr. Advocate.
Mr. Rajeev Ranjan, Advocate.
For the Respondent/s : Mr. K. P. Yadav, GP-11.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2024 Heard Mr. Amit Shrivastava, learned senior counsel along with Mr. Rajeev Ranjan, learned counsel appearing on behalf of the petitioners and Mr. K. P. Yadav, learned AC to GP-11 for the State.

2. Mr. Amit Shrivastava, learned senior counsel appearing on behalf of the petitioner submits that the matter requires to be adjudicated by the District Magistrate-cum-Collector, Kishanganj, in exercise of power under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the ‘Act’).

3. Considering the grievance of the petitioner that



there is complete violation of procedure prescribed under Section 44 (3)(i) of the Act, it would be in the interest of justice to call upon the members of the Panchayat Samiti, who are 23 in total and for this, to avoid time in process of issuing notice, this Court finds that the District Magistrate must ensure to inform the Executive Officer cum Block Panchayati Raj Officer, Dighal Bank, Kishanganj, so that all the 23 members may appear before him in person on 27.01.2024.

4. In case of failure by any of the member, the District Magistrate must resort to first enquire, as to whether, he has deliberately avoided to appear before him is for any genuine cause. If it is deliberate, the District Magistrate must ensure to take appropriate action in accordance with law against the concerned member of Panchayat Samiti..

5. The District Magistrate is directed to pass a reasoned order after providing due opportunity of hearing to all the interested parties expeditiously on or before 03.02.2024 without fail.

6. 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, Kishanganj, by both the means, fax, as well as, by telephonic



communication, even before the order is pronounced.

7. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

mantreshwar/-

U			
---	--	--	--

