

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.915 of 2024

1. Rima Devi Wife of Sri Satyendra Mehta, resident of village and P.O. Bachhiaon, P.S. Sandesh, District - Bhojpur at Ara, presently Pramukh of Block Panchayat Samiti, Sandesh, District - Bhojpur at Ara.
2. Atul Ranjan Anand, Son of Nand Kishor Upadhya, resident of village and P.O. Ramashand, P.S. Sandesh, District- Bhojpur at Ara, presently Up-Pramukh of Block Panchayat Samiti, Sandesh, District - Bhojpur at Ara.

... .. 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, Bhojpur at Ara, District - Bhojpur at Ara.
4. The District Panchayat Raj Officer, Bhojpur at Ara, District - Bhojpur at Ara.
5. The Sub-Divisional Officer, Ara Sadar, District - Bhojpur at Ara.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, District - Bhojpur at Ara.
7. The Block Panchayat Raj Officer, Sandesh, District - Bhojpur at Ara.
8. Geeta Devi, Wife of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.
9. Lakshminia Devi, Wife of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.
10. Raju Yadav, Son of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.
11. Nitu Kumari, Wife of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.
12. Mithilesh Kumar Yadav, Son of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.
13. Nilam Devi, Wife of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.
14. Dharmendra Kumar Ram, Son of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block



Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.

15. Mana Devi, Wife of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.
16. Usha Devi, Wife of not known to the petitioners, The elected member of Block Panchayat Samiti, Sandesh through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Sandesh, P.O. and P.S. Sandesh, District - Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Awnish Kumar, Advocate.
For the Respondent/s	:	Mr. Sita Ram Yadav, GP-16.
For Private respondents:	:	Mr. Gopal Govind Mishra, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 16-01-2024

Heard the parties.

2. Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioners submits that the petitioners seek to avail remedy under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter to be referred as the 'Act') before the District Magistrate, Bhojpur at Ara, for the relief(s) as prayed for in the present writ petition.

3. Considering the limited relief(s) as sought for by the petitioners, the District Magistrate, Bhojpur at Ara, 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, Mr. Sita Ram Yadav, learned counsel for the State has ensured that he will immediately communicate the District Magistrate, Bhojpur at Ara, 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)

mantreshwar/-

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

