

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.867 of 2024

Sarita Kumari Wife of Santosh Kumar Resident of Purnadih, P.O.- Nanaura,
P.S.- Nawada, District Nawada. 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 Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The District Magistrate Nawada, District- Nawada.
6. The Additional Collector (Panchyati Raj) Nawada, District- Nawada.
7. The Block Development Officer cum Executive Officer, (Panchayat Samiti) Nawada Sadar, District- Nawada.
8. The Panchayat Samiti Nawada Sadar, through its Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
9. Gaijanti Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Paura Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
10. Sabo Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Bhadokhra Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
11. Sunita Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Kharat Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
12. Manju Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Bhadokhra Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
13. Veena Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Samay Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
14. Vimla Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Samay Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
15. Babita Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Kena Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
16. Vijay Nonia, son of Not known to Petitioner, elected Panchayat Samiti member (Aati Panchayat), resident of (Panchayat Samiti) Nawada Sadar,



- District Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
17. Prahalad Kumar, son of Not known to Petitioner, elected Panchayat Samiti member (Quadirganj Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 18. Uma Snkar Prasad son of Not known to Petitioner, elected Panchayat Samiti member (Loharpura Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 19. Naresh Paswan, son of Not known to Petitioner, elected Panchayat Samiti member (Sonsihari Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 20. Pooja Kumari, wife of Not known to Petitioner, elected Panchayat Samiti member (Mahuli Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 21. Rinki Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Jamua Pahwasarai Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 22. Bineshwar Yadav, son of Not known to Petitioner, elected Panchayat Samiti member (Bhagwanpur Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 23. Pintu Kumar, son of Not known to Petitioner, elected Panchayat Samiti member (Auraina Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 24. Santosh Kumar, son of Not known to Petitioner, elected Panchayat Samiti member (Bhagwanpur Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 25. Jirain Devi, wife of Not known to Petitioner, elected Panchayat Samiti member (Bhadokhra Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 26. Dilip Kumar, son of Not known to Petitioner, elected Panchayat Samiti member (Quadirganj Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 27. Yugal Ravida, son of Not known to Petitioner, elected Panchayat Samiti member (Jhunathi Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.
 28. Nahida Khatoon, wife of Not known to Petitioner, elected Panchayat Samiti



member (Sonsihari Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.

29. Lallu Kumar, son of Not known to Petitioner, elected Panchayat Samiti member (Bhadokhra Panchayat), resident of (Panchayat Samiti) Nawada Sadar, District- Nawada through Executive Officer (Panchayat Samiti) Nawada Sadar, District- Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anis Akhtar, Advocate Mr. Akhilesh Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Mishra, SC-16

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 16-01-2024

Heard Mr. Md. Anis Akhtar, learned counsel appearing on behalf of the petitioner and Mr. Subhash Chandra Mishra, learned SC-16 appearing on behalf of the State.

2. Mr. Md. Anis Akhtar, 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 concerned 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 concerned 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 concerned 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

