

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1035 of 2024

Munni Devi W/o Rajkishore Mahto, Resident of Ward No. 13 Dharampur Jarang, P.O.-Jarang Rampur, P.S.-O.P. Patedhi Belsar, District-Vaishali, Presently Pramukh of Block Panchayat Samiti, Patedhi Belsar, District-Vaishali. Petitioner/s

Versus

1. 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, Vaishali, District-Vaishali.
4. The District Panchayat Raj Officer, Vaishali, District-Vaishali.
5. The Sub Divisional Officer, Hajipur, District-Vaishali.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, District-Vaishali.
7. The Block Panchayati Raj Officer, Vaishali, District-Vaishali.
8. Smt. Tannu Devi, wife of not known to the petitioner, Presently Up-Pramukh of Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar, District-Vaishali.
9. Mukesh Singh, son of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
10. Suman Kumar, son not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
11. Ankit Kumar, son of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
12. Suresh Rai, son of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
13. Babloo Prasad Singh, son of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
14. Rajni Devi, wife of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
15. Nilam Devi, wife of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
16. Mintu Kumar, son of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer

cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-
Anirudh Belsar, P.S.-O.P. Belsar.

17. Nilam Devi, wife of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.
18. Manoj Singh, son of not known to the petitioner, elected members of Block Panchayat Samiti Patedhi Belsar through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Patedhi Belsar, P.O.-Anirudh Belsar, P.S.-O.P. Belsar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate
: Mr. Awnish Kumar, Advocate
For the Respondent/s : Mr. Addl. Advocate General- 12

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard learned counsel appearing on behalf of the

petitioner and learned counsel for the State.

2. 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, Vaishali, 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, Vaishali, 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 counsel for the State has ensured that he will immediately communicate the District Magistrate, Vaishali, 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/-
Ashishsingh/-

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