

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1150 of 2024

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Pramila Devi wife of Raj Kumar Mahto, resident of Village-Rupasmaruyahi,
P.S.-Salimpur, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, District-Patna, Patna.
3. The District Panchayati Raj Officer, District-Patna,
4. The Sub Divisional Officer, Sub-Division-Barh, District-Patna,
5. The Block Development Officer, Block-Bakhtiyarpur, District-Patna,
6. The Block Panchayati Raj Officer, Block-Bakhtiyarpur, District-Patna,
7. The Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.
8. The Mukhiya, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna.
9. The Panchayat Secretary, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna.
10. Abhishek Kumar, Ward Member, Ward No. 6, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.
11. Vishal Kumar, Ward Member, Ward No. 12, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.
12. Kiran Devi, Ward Member, Ward No. 5, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.
13. Navlesh Saw, Ward Member, Ward No. 8, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.



14. Yogendra Singh, Ward Member, Ward No. 7, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.
15. Puja Devi, Ward Member, Ward No. 6, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.
16. Revti Devi, Ward Member, Ward No. 15, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.
17. Nilam Devi, Ward Member, Ward No. 2, Gram Panchayat Raj Rupas Manjhi, Block-Bakhtiyarpur, District-Patna. elected member of Gram Panchayat Raj Rupas Mahaji, Block-Bakhtiyarpur, District-Patna through the Panchayat Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Bhola Kumar, Advocate Mr. Akshansh Ankit, Advocate
For the Respondent/s	:	Mr. Standing Counsel 9

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Ashok Kumar Choudhary, learned senior counsel assisted by Mr. Bhola Kumar, learned counsel appearing on behalf of the petitioner and learned SC-9 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, 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 23.01.2024, the District Magistrate after providing opportunity of hearing may pass a speaking order strictly in accordance with law within one week from the date of attendance filed by all the members.

4. The special meeting dated 23.01.2024 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, 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)

Niraj/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	19.01.2024
Transmission Date	N/A

