

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1099 of 2024

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Gaurave Kumar Alias Gaurave Kumar Rai S/o Sri Rajkishore Rai Resident of
Village and P.O.- Tulshipur, P.S.- Kharikbazar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Bhagalpur.
3. Deputy Development Commissioner, Bhagalpur cum Executive Officer,
Zela Parishad, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Prasad Choudhary, Advocate.
For the Respondent/s : Mr.Government Pleader 18

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Rajesh Prasad Choudhary, learned
counsel appearing on behalf of the petitioner and learned GP-18
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, Bhagalpur, 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, Bhagalpur, 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, Bhagalpur, 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	19.01.2024
Transmission Date	N.A.

