

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1079 of 2024

Munna Kumar, Pramukh Panchayat Samiti, Goraul Son of Late Fakira Rai,
Resident of Village - Bhanpur Barewa, P.S. Goraul, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-cum-District Magistrate, District - Vaishali.
5. The District Panchayat Raj Officer, Vaishali.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
7. Subodh Kumar, Son of Parbhu Ram, Resident of Village - Katarmala, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Katarmala Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
8. Manju Devi, Wife of Ramesh Mahto, Resident of Village - Katarmala, P.S. - Goraul, District - Vaishali, Member Panchayat Samiti, Katarmala Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
9. Md. Shahabuddin, Son of Md. Yasin, Resident of Village - Bhualpur @ Bahadurpur, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Bhualpur @ Bahadurpur Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
10. Mamta Kumari, Wife of Munna Kumar, Resident of Village- Bhanpur Barewa, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Bhanpur Barewa Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
11. Punam Kumari, Wife of Hemraj Kumar, Resident of Village - Mohammadpur Pojha, P.S. Goraul, District Vaishali, Member Panchayat Samiti, Mohammadpur Pojha Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
12. Rustam Kumari, Wife of Vijay Kumar, Resident of village - Sondho Dullah, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Sondho Dullah Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
13. Vishwanath Rai, Son of Bhoti Rai, Resident of Village - Sondho Dullah, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Sondho Dullah



- Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
14. Priyanka Rani, Wife of Deepak Kumar, Resident of Village - Rasulpur Turki, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Rasulpur Turki Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 15. Neelam Sinha, Wife of Ranjit Kumar Singh, Resident of Village - Rasulpur Turki, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Rasulpur Turki Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 16. Raushan Khatoon, Wife of Md. Nasir, Resident of Village - Pirapur Mathura, P.S. - Goraul, District - Vaishali, Member Panchayat Samiti, Pirapur Mathura Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 17. Kaushalya Devi, Wife of Bharat Rai, Resident of Village - Baksama, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Baksana Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 18. Rajesh Paswan, Son of Laldeo Paswan, Resident of Village - Rasulpur Korigaon, P.S. Goraul, District - Vaishali. Member Panchayat Samiti, Rasulpur Korigaon Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 19. Nilam Devi, Wife of Ram Chandra Patel, Resident of Village - Lodipur, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Lodipur Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 20. Raj Kumar, Son of Narayan Sah, Resident of Village - Lodipur, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Lodipur Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 21. Parvati Kumari, Wife of Prakash Kumar, Resident of Village- Ismailpur, P.S. Goraul, District - Vaishali, Member Panchayat Samiti, Ismailpur Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.
 22. Sanjay Prasad Singh, Son of Late Rampyare Singh, Resident of Village- Piroi Shamshuddin, P.S. - Goraul, District - Vaishali, Member Panchayat Samiti, Piroi Shamshuddin Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer



cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.

23. Rohit Kumar, Son of Awatar, Resident of Village- Piroi Shamshuddin, P.S. Goraul, District- Vaishali, Member Panchayat Samiti, Piroi Shamshuddin Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Goraul, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Goraul, Block - Goraul, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pranoy Kumar, Advocate
Mr.Vasant Vikash, Advocate
For the Respondent/s : Mrs.Pushpanjali Sharma, AC to SC 20

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2024 Heard Mr. Pranoy Kumar with Mr.Vasant Vikash, learned counsel appearing on behalf of the petitioner and Mrs. Pushpanjali Sharma, learned AC to SC 20 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 petitioner, 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 25.01.2024, 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 25.01.2024 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)

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