

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1093 of 2024

Savita Devi Wife of Ramannand Singh, Pramukh Panchayat Samiti, Mahnar,
Resident of Near Lakshmi ITI College Minapur, Pokhra Hajipur, P.S. Hajipur
Town, District Vaishali, Pin-844101.

... .. 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 Secreary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayat 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, Mahnar, Block-Mahnar, Vaishali.
7. Jitendra Kumar, Son of Sanjay Thakur, Resident of Village-Hargovindpur, P.S.-Mahnar, District-Vaishali, Member Panchayat Samiti, Mahindwara Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
8. Sunil Kumar Singh, Son of Late Maheshwar Singh, Resident of Village-Jambaj, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Dedhpura Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
9. Sangita Kumari, Wife of Praveen Kumar, Resident of Village-Narayanpur Dedhpura, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Dedhpura Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
10. Kalyani Devi, Wife of Vipin Kumar Thakur, Resident of Village-Karnauti, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Karnauti Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
11. Rina Devi, Wife of Vinod Chaudhary, Resident of Village-Karnauti, P.S. Mahnar, District- Vaishali, Member Panchayat Samiti, Karnauti Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
12. Kiran Devi, Wife of Pramod Chaudhary, Resident of Village-Sarmastpur, P.S. Mahnar District-Vaishali, Member Panchayat Samiti, Sarmastpur Panchayat. Panchayat Samiti members of the Block Panchayat Samiti,

- Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
13. Md. Tahir, Son of Md. Newaji, Resident of Village-Naurangpur, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Mahammadpur Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 14. Mamta Devi, Wife of Prithvi Paswan, Resident of Village-Vishanpur, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Paharpur Vishanpur Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 15. Kiran Kumari, Wife of Raju Ram, Resident of Village-Chamrahra, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Chamrahra Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 16. Chandrakala Devi, Wife of Arun Mahto, Resident of Village-Vasudeopur, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Vasudeopur Chandel Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 17. Sindhu Kumari, Wife of Jitendra Kumar Sahni, Resident of Village-Gorigamma, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Gorigamma Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 18. Meena Devi, Wife of Pandey Rai, Resident of Village-Lavapur Narayan, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Lavapur Narayan Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 19. Neha Kumari, Wife of Suraj Rai, Resident of Village-Lavapur Mahnar, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Lavapur Mahnar Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 20. Kailash Rai Son of Late Prabhansh Rai Resident of Village-Chakeso, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Alipur Hatta Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 21. Genhari Paswan, Son of Late Vigan Bhagat, Resident of Village-Alipur Hatta, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Alipur Hatta Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.
 22. Sweety Kumari, Wife of Shikesh Kumar Singh, Resident of Village-

Hasanpur Dakshini, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Hasanpur Dakshini Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.

23. Sanjiv Mahto, Son of Late Ramdayal Mahto, Resident of Village-Hasanpur Dakshini Bahlolpur, P.S. Mahnar, District-Vaishali, Member Panchayat Samiti, Hasanpur Dakshini Panchayat. Panchayat Samiti members of the Block Panchayat Samiti, Mahnar, through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Mahnar, Block-Mahnar, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pranoy Kumar, Advocate
	:	Mr. Vasant Vikas, Advocate
For the Pvt. Res. no.19&20	:	Mr. Amit Srivastva, Sr. Advocate
	:	Mr. Kumar Pankaj, Advocate
For the Respondent/s	:	Mr. Standing Counsel 21

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2024 Heard Mr. Pranoy Kumar along with Mr. Vasant Vikas, learned counsels appearing on behalf of the petitioner, Mr. Amit Srivastva, learned Sr. Advocate, along with Mr. Kumar Pankay, learned counsel appearing on behalf of the private respondent no.19 & 20 and learned Standing counsel no.21 appearing on behalf of 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 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, 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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