

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1055 of 2024

Aaradhna Kumari Wife of Sri Raman Kumar Singh Resident of Village and P.O.- Arout, P.S.- Rosera, District- Samastipur, presently Pramukh of Block Panchayat Samiti, Rosera, District- Samastipur.

... .. Petitioner/s

Versus

1. The 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, Samastipur, District- Samastipur.
4. The Sub-Divisional Officer, Rosera, District- Samastipur.
5. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, District- Samastipur.
6. Usha Devi Wife of Late Mahesh Rai Presently Up-Pramukh of Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
7. Buchi Devi Wife of not known to the Petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
8. Priti Kumari Wife of not known to the Petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
9. Sakchi Kumari Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
10. Shailendra Kumar Rai Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
11. Surbhi Sanchita Wife of not known to the Petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
12. Gorey Paswan Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
13. Pankaj Kumar Jha Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.



14. Neelam Devi Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
15. Md. Sattar Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
16. Manju Devi Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
17. Ramesh Yadav Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
18. Narnath Rai Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
19. Raveena Kumari Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
20. Sunita Devi Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
21. Pramod Pandit Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
22. Shambhu Kumar Rai Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
23. Rajesh Kumar Paswan Son of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.
24. Manju Devi Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Rosera through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Rosera, P.O. and P.S.- Rosera, District- Samastipur.

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr. Awnish Kumar
For the Respondent/s : Mr. Standing Counsel 12

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-01-2024 Heard the parties.

2. Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioners submits that the petitioners seek to avail remedy under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter to be referred as the 'Act') before the District Magistrate, Samastipur, 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, Samastipur, 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, Samastipur, 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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