

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1060 of 2024

Manoj Kumar son of Raghuvansh Prasad Ray, Resident of Tarachak, Maipura,
PO and PS Danapur, Patna, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector cum District Magistrate, District-Patna.
5. The District Panchayat Raj Officer, Patna
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
7. Vandana Rai Daughter of not Known Member Panchayat Area 11, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
8. Raj Kumar, son of not known, Member Panchayat Area 17, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
9. Shatrughan Choudhary, son of not known, Member Panchayat Area 22, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
10. Santosh Kumar, son of not known, Member Panchayat Area 13, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
11. Aarti Devi wife of not known, Member Panchayat Area 1, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
12. Govind Prasad, son of not known, Member Panchayat Area 18, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
13. Vijay Shankar son of not known, Member Panchayat Area 19, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
14. Pooja Devi, wife of not known, Member Panchayat Area 21, Panchayat



- Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
15. Sunita Devi, wife of not known, Member Panchayat Area 10, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 16. Vijendra Kumar, son of not known, Member Panchayat Area 12, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 17. Rinku Devi, wife of not known, Member Panchayat Area 14, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 18. Kamlesh Rai, son of not known, Member Panchayat Area 7, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 19. Veena Devi, wife of not known, Member Panchayat Area 16, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 20. Reshmi Devi, Wife of not known, Member Panchayat Area 2, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 21. Pushpa Devi, Wife of not known, Member Panchayat Area 4, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 22. Shambhu Rai, son of not known, Member Panchayat Area 3, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 23. Shambhu Rai, son of not known, Member Panchayat Area 9, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.
 24. Bedami Devi, Wife of not known, Member Panchayat Area 11, Panchayat Samiti Members of the Block Panchayat Samiti, Danapur through the Block Development Officer Cum Executive Officer, Block Panchayat Samiti, Danapur, Block-Danapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Shrivastava, Sr. Advocate.



For the State : Mr. Apurv Harsh, Advocate.
For Respondent Nos. 7 to 13: Mr. Kinkar Kumar, SC-9.
Mr. Jitendra Singh, Sr. Advocate.
Mr. Dhiraj Sagar, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 29-01-2024

Heard Mr. Amit Shrivastava, learned senior counsel along with Mr. Apurv Harsh, learned counsel appearing on behalf of the petitioner; Mr. Kinkar Kumar, learned SC-9 for the State and Mr. Jitendra Singh, learned senior counsel along with Mr. Dhiraj Sagar, learned counsel for the respondents nos. 7 to 13.

2. Vide order dated 19.01.2024, this Court had directed for physical presence of the Block Development Officer cum Executive Officer, Panchayat Samiti, Dananpur on 22.01.2024 at 10:30 A.M. A counter affidavit was filed on behalf of the Block Development Officer making specific statement that he was not informed either by the petitioner or by the private respondent nos. 7 to 13 or by any of the members of the Panchayat Samiti. A detailed order was passed on 22.01.2024. This Court had requested the counsel appearing on behalf of the petitioner to inform all the counsels to inform this Court as to whether they had informed their respective clients. Mr. Suraj Samdarshi, learned counsel who had appeared on behalf of the petitioner in C.W.J.C. No. 254 of 2024 had



informed that he had informed the petitioner immediately after the order was passed on 11.01.2024, before it was pronounced. The presence of the counsels has been recorded in Para-6 of the order dated 22.01.2024 and it has been specifically recorded that Mr. Jitendra Singh, learned senior counsel who had represented on behalf of the requisitionists on 11.01.2024 is not present and the said information has been recorded in Para-7. It has been recorded in Para-6 of the order that Mr. Prashat Pratap, learned GP-2 who was represented by his assisting counsel on 11.01.2024 while the order was passed in presence of the parties had informed orally that his office had not informed the Block Development Officer till 19.01.2024.

3. The fairness of the Block Development Officer was in question by this Court that he was informed about the order dated 11.01.2024 on 16.01.2024 when he was required before the District Magistrate.

4. A counter affidavit was filed on 22.01.2024 informing that a detailed order has already been passed by the District Magistrate in exercise of the power conferred under Section 157 of the Bihar Panchayati Raj Act, 2006 and the order till date has not been challenged by the petitioner, no interference is required by this Court.



5. However, this Court to verify the statement of the Block Development Officer had directed all the elected members of the Panchayat Samiti to appear before this Court. Steps were taken by the Block Development Officer and today a counter affidavit has been filed in the Court giving information that he has informed each and every member of the Panchayat Samiti.

6. Mr. Kinkar Kumar, learned counsel for the State informs that the Block Development Officer has informed personally to all the elected members and also communicated vide Letter Nos. 253, 253(ka) to all the elected members of the Panchayat Samiti and they have tendered their appearance through their counsel. He further submits that 'No Confidence Motion' has already been convened on 22.01.2024 and the same has been passed against the petitioner.

7. Mr. Dhiraj Sagar, learned counsel has tendered his appearance on behalf of respondent nos. 7 to 13 who had made requisition, informs that the respondents in absence of pass being generated are not physically present before this Court. He submitted that they have already executed vakalatnama in his favour. He informs that they had not understood order and had proceeded to fix a date of special



meeting being ignorant of the fact that certain direction has been given to the District Magistrate.

8. Mr. Jitendra Singh, learned senior counsel submits that he has been engaged by assisting counsel Mr. Dhiraj Sagar and informs that in spite of the order passed by the Court on 22.01.2024, he was not informed and he could not inform this Court, whether he had informed the private respondent nos. 7 to 13, who have also been arrayed as private respondent nos. 7 to 13 in earlier writ petition being C.W.J.C. No. 254 of 2024. He submits that in any case, the writ petition is not maintainable considering the fact that the District Magistrate has passed a detailed order on 18.01.2024 giving reasons and no further interference is required by this Court, as the same has not been challenged.

9. Considering the fact that till date the petitioner has not challenged the order passed by the District Magistrate dated 18.01.2024, which was served along with the counter affidavit filed by the State on 22.01.2024, the petitioner, if so advised, may avail remedy in accordance with law before the appropriate forum by raising all the issues raised in the present writ petition.

10. With the aforesaid direction, the present writ



petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	31.01.2024
Transmission Date	N.A.

