

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1095 of 2024

1. Kiran Devi Wife of Vinay Pratap Singh Resident of Village- Bhusao, P.O.- P. Bhagwanpur, P.S.- Thawe, District- Gopalganj
2. Shabina Khatoon Wife of Firoz Ahmad Resident of Village- Inderwa Bairam, P.O.- Sakulwa Khurd, P.S.- Gopalganj, District- Gopalganj.
3. Savita Devi Wife of Om Prakash Manjhi Resident of Village and P.O.- Lachhwar, P.S.- Thawe, District- Gopalganj.
4. Faiz Akhtar Son of Iliyas Ahmad Resident of Village- Jagmalwa, P.O. and P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj
5. The Sub-Divisional Officer, Thawe, District- Gopalganj.
6. The Block Development Officer, Thawe-cum-Executive Officer, Block Panchayat Samiti, Thawe, District- Gopalganj.
7. Shahnaz Khatoon Wife of Mohammad Aslam The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
8. Ramwati Devi Wife of Barister Chaudhary The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
9. Mohammad Nazir Son of Samsul Hasan The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
10. Abida Khatoon Wife of Sohrab The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
11. Abhimanyu Kumar Gupta Son of Prahladjee Prasad The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
12. Kusum Devi Wife of Rajesh Yadav The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.

- 13. Makeshwar Baitha Son of Late Ramdev Baitha The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
- 14. Afsana Praween Wife of Sarfaraz Ahmad The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
- 15. Varsha Kumari Wife of Ramesh Singh The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
- 16. Rajgiri Mahto Son of Asarfi Mahto The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.
- 17. Rajia Sultana Wife of Ojair Ahmad The member of Block Panchayat Samiti, Thawe, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Thawe, P.S.- Thawe, District- Gopalganj.

... .. Respondent/s

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Appearance :		
For the Petitioner/s	:	Mr. Ravi Raj, Advocate
For the Respondent/s	:	Mr. Addl. Advocate General 9
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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2024 Heard Mr. Ravi Raj, learned counsels appearing on behalf of the petitioner and learned Mr. Additional Advocate General- 9 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, Gopalganj, 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, Gopalganj, 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 within one week from the date of attendance filed by all the members.

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, Gopalganj, 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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