

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1149 of 2024

Vinay Singh @ Vinay Kumar Singh Son of Late Ramji Singh, Resident of Village- Kamasara, P.S. - Daraunda, District - Siwan, 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 District Magistrate, Siwan.
4. The Sub Divisional Officer, Maharajganj, District - Siwan.
5. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Daraunda, District - Siwan.
6. Suman Devi, Wife of Santosh Singh, Resident of Village - Pasiwarh, P.O. Rajapur, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
7. Reena Devi, Wife of Ravindra Singh, Resident of village - Karsaut, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
8. Bhagrati Devi, Wife of Dilip Manjhi, Resident of Village- Pakwaliya, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
9. Sushanti Devi, Wife of Om Prakash Yadav, Resident of Village and P.O. - Machhauta, P.S. - Daraunda, District- Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
10. Vikash Kumar, Son of Rajendra Sah, Resident of Village- Govindpur, P.O. Pakwaliya, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
11. Guriya Singh, Wife of Umesh Kumar Singh, Resident of village- Ramsapur (Lopar), P.O. Ramsapur, P.S. Daraunda, District- Siwan.
12. Laxman Kumar Ram, Son of Gauri Shankar Ram, Resident of Village- Milki Madhwapur, P.O. Harsar, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
13. Mantu Prasad, Son of Keshwar Prasad, Resident of Village - Sirsaw, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
14. Sandip Kumar Mahto, Son of Gorakh Mahto, Resident of Village - Kauthua,



- Sarangpur, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
15. Amit Kumar, Son of Surendra Prasad, Resident of Village- Fatehpur, P.O. Vishunpura, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 16. Prabha Devi, Wife of Ranjan Singh, Resident of Village - Rukundipur, P.S. Daraunda, District- Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 17. Pappu Ram, Son of Ram Sringer Ram, Resident of Village - Rukundipur, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 18. Usha Kumari Devi, Wife of Sunil Kumar, Resident of Village- Bal Bangra Tola, Ramchandrapur, P.O. Mahrajganj, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 19. Haresh Yadav, Son of Lalan Yadav, Resident of Village - Bhikhabandh, P.O. B Satjora, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 20. Sanju Singh, Wife of Prabhunath Singh, Resident of Village - Ramgarha, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 21. Babita Devi, Wife of Manoj Singh, Resident of Village - Satjora, P.O. B. Satjora, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 22. Asgar Ali, Son of Gul Miyan, Resident of Village - Sadsara, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 23. Kiran Devi, Wife of Mantu Kumar Tiwari, Resident of village - Korari Khurd, P.O. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 24. Sabita Devi, Wife of Sanjay Mahto, Resident of Village - Usti, P.O. Chandparsa, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
 25. Amit Kumar Singh, Son of Shambhunath Singh, Resident of Village - Bagaura, P.S. Daraunda, District - Siwan. Elected member of Block



- Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
26. Ajay Kumar Yadav, Son of Virendra Yadav, Resident of Bagaura, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
27. Dhanita Devi, Wife of Satyendra Sah, Resident of Village - Jalalpur, P.S. Daraunda, District - Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
28. Pratima Devi, Wife of Manish Kumar Yadav, Resident of Village - Pandeypur, P.O. Chanchaura, P.S. Daraunda, District- Siwan. Elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vindhyachal Singh, Sr. Advocate. Mr. Lokesh Singh, Advocate.
For the State	:	Mr. Manoj Kumar Yadav, AC to GA-10.
For respondent no.11	:	Mr. Y. V. Giri, Sr. Advocate. Mr. Pranav Kumar, Advocate. Ms. Shristi Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Vindhyachal Singh, learned senior counsel along with Mr. Lokesh Singh, learned counsel appearing on behalf of the petitioner; Mr. Manoj Kumar Yadav, learned AC to GA-10 for the State and Mr. Y. V. Giri, learned senior counsel along with Mr. Pranav Kumar and Ms. Shristi Singh, learned counsel for the respondent no.11.

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, Siwan, 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, Siwan, 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 24.01.2024, 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 24.01.2024 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, Siwan, 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)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	19.01.2024
Transmission Date	N.A.

