

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1086 of 2024

Najmun Nisha Wife of Md. Noor Alam Resident of Village- Dhanchhoha,
Ward No.- 8, P.S.- Saurbazar, District- Saharsa.

... .. 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, Saharsa.
5. The Sub-Divisional Officer, Saharsa, District- Saharsa.
6. The Block Development Officer, Saurbazar-cum- Executive Officer, Block Panchayat Samiti, Saurbazar, District- Saharsa.
7. Dharendra Yadav, Son of Late Vishwanath Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
8. Sudanshu Shekhar Aazad, Son of Ujagar Ram the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
9. Rekha Devi, Wife of Sunil Sharma the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
10. Kumari Nibha, Wife of Sanjay Kumar, the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
11. Fulo Devi, Wife of Manoj Ram the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
12. Parwati Devi, Ramesh Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
13. Nitu Devi, Wife of Ram Pukar Thakur the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
14. Kiran Devi, Wife of Mithlesh Mandal the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
15. Anita Devi, Wife of Pramod Kumar the member of Block Panchayat Samiti,



- Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
16. Ramesh Yadav, Son of Tarni Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 17. Vivek Ranjan, Son of Rajendra Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 18. Suchita Devi, Wife of Anant Ram the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 19. Narayan Yadav, Son of Late Bindeshwari Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 20. Kanchan Devi, Wife of Rupesh Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 21. Priyanka Kumari, Wife of Bipul Kumar the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 22. Parwati Devi, Lalan Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 23. Anil Yadav, Son of Late Chandeshwari Prasad Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 24. Suresh Prasad Yadav, Son of Late Khushi Lal Yadav the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 25. Sanjay Kumar Paswan, Son of Harinandan Paswan the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.
 26. Reena Devi, Wife of Jaintu Kumar the member of Block Panchayat Samiti, Saurbazar, through the Block Development Officer- cum- Executive Officer, Block Panchayat Samiti, Saurbazar, P.S.- Saurbazar, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ravi Raj, Advocate



For the Respondent/s : Mr.Sumant Kumar Sigh, AC to GA 2

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-01-2024 Heard Mr. Ravi Raj, learned counsel appearing on behalf of the petitioner and Mr.Sumant Kumar Singh, learned AC to GA 2 for 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, Saharsa, 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, Saharsa, 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 25.01.2024, 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 25.01.2024 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, Saharsa, 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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