

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1112 of 2024

Nishu Kumari Wife of Rajesh Ranjan, Pramukh Panchayat Samiti, Resident of village - Desari, P.S. - Desari, District - Vaishali, Pin – 844504.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayati Raj Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-cum-District Magistrate, District - Vaishali.
5. The District Panchayat Raj Officer, Vaishali.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
7. Anand Kumar, Son of Surendra Prasad Singh, Resident of village - Bhikhanpura, P.S. Desari, District - Vaishali, Member Panchayat Samiti- 10. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
8. Rajmani Devi, Wife of Jai Paswan, Resident of Village- Rasulpur, P.S. Desari, District- Vaishali, Member Panchayat Samiti - 8. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
9. Arun Kumar Sahni, Son of Ganesh Sahni, Resident of village - Uphraul, P.S. Desari, District - Vaishali, Member Panchayat Samiti- 2. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
10. Ajit Rai, Son of Ramjanam Rai, Resident of Village - Rampur Khichri, P.S. Mahnar, District - Vaishali, Member Panchayat Samiti- 5. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
11. Santosh Kumar Rajak, Son of Ram Vilas Rajak, Resident of village - Azampur, P.S. Desari, District - Vaishali, Member Panchayat Samiti - 9. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
12. Mukesh Kumar, Son of Dharmendra Rai, Resident of Village - Vishunpur Ijara, P.S. Desari, District - Vaishali, Member Panchayat Samiti - 6. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat



Samiti, Desari, Block - Desari, Vaishali.

- 13. Rinku Devi, Wife of Dinesh Paswan, Resident of Village - Khoksa Kalyan, P.S. Desari, District - Vaishali, Member Panchayat Samiti, Jaffarabad Panchayat - 1. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
- 14. Rajeshwar Ram, Son of Late Bali Ram, Resident of Village - Tayabpur, P.S. Desari, District- Vaishali, Member Panchayat Samiti, Bhikhanpura Panchayat - 11. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
- 15. Sarita Kumari, Wife of Vikash Kumar, Resident of Village- Jahangirpur Sham, P.S. Desari, District - Vaishali, Member Panchayat Samiti - 7. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.
- 16. Rahmat Khanam, Wife of Md. Ayub Khan, Resident of Village - Desari, P.S. Desari, District - Vaishali, Member Panchayat Samiti- 3. Panchayat Samiti member of the Block Panchayat Samiti, Desari, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Desari, Block - Desari, Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Advocate.
For the State : Mr.Ranjay Kumar Singh, AC to SC-6.
For the Respondents : Mr. Mrigank Mauli, Sr. Advocate.
Mr. Sanket, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-01-2024

Heard the parties.

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, Vaishali, 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, Vaishali, 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 23.01.2024, 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 23.01.2024 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, Vaishali, 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.

