

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1155 of 2024

Vishwanath Tanti S/o Late Bacchu Tanti, Resident of Ward No. 3 Khurudna Birpur, P.O.-Hasanpur Sugar Mill, P.S.-Hasanpur Road, District-Samastipur, presently Pramukh of Block Panchayat Samiti Hassanpur, District-Samastipur.

... .. Petitioner/s

Versus

1. State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur, District-Samastipur.
4. The District Panchayati Raj Officer, Samastipur, District-Samastipur.
5. The Sub Divisional Officer, Rosera, District-Samastipur.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, District-Samastipur.
7. The Block Panchayat Raj Officer, Samastipur, District-Samastipur.
8. Aasha Devi, Wife of Dharendra Yadav, Presently Up-Pramukh of Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
9. Archana Kumari, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
10. Md. Shahjahan son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
11. Sunita Devi, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
12. Nakchedi Yadav son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
13. Soni Devi, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
14. ManjuBala wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.



15. Archana Kumari, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
16. Deepak Chaudhary, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
17. Ganga Devi, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
18. Manju Devi, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
19. Amarjeet Paswan, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
20. Farzana Khatoon wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
21. Anju Devi, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
22. Taarni Paswan, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
23. Sudha Kumari, wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
24. Sumet Kanti, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
25. Rubi Gupta, wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
26. Niranjana Kumar, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur



Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.

27. Shima Bharti, Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
28. Tejnarayan Thakur, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
29. Md. Rustam son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
30. Kishan Kumar, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
31. Arvind Yadav, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
32. Arun Kumar, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
33. Kailash Sah, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.
34. Hareram Sah, son of not known to the petitioner, elected members of Block Panchayat Samiti, Hassanpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti Hassanpur, P.O.-Hassanpur Sugar Mill, P.S.-Hassanpur Road, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the Respondent/s : Mr. Asif Kalim AC to AAG-12

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-01-2024

Heard Mr. Awnish Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Asif Kalim,
learned AC to AAG-12 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, Samastipur, 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, Samastipur, 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 22.01.2024, 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 22.01.2024 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, Samastipur, 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)

Niraj/-

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

