

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1154 of 2024

1. Ashish Kashyap Son of Ranjan Prasad Member of Panchayat Samiti Elected area 15, Resident of Jagishpur Dharhara, P.O. and P.S.- Dharhara, District- Munger, Bihar- 811212.
2. Sumant Kumar Bind Son of Mr. Kamdeo Bind Member of Panchayat Samiti elected are 10 Resident of P.O. and P.S.- Amari, District- Munger, Bihar- 811212

... .. 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, Munger.
4. The District Panchayat Raj Officer, Munger.
5. The Block Development Officer-cum-Executive Officer, Block Dharhra, District- Munger.
6. Pallavi Bharti, Pramukh Wife of Not Known Member Panchayat Area No. 14, Panchayat Samiti Member of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Dharhra Maharna, Post- Dharhra, District- Munger.
7. Neeraj Kumar Son of not Known Member Panchayat Area No. 11, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, Up-Pramukh, R/O Gram- Aurabagicha, Post- Aurabagicha, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
8. Anju Devi Wife of Not Known Member Panchayat Area No. 1, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Sundarpur, Post- Bahachawki, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
9. Bindiya Devi Wife of not Known Member Panchayat Area No. 2, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Choti Lagma, Post- Shivkundal, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
10. Nisha Kumar Wife of not known Member Panchayat Area No. 3, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Shivkundal, Kurmi Tola, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
11. Kanchan Devi Wife of not known Member Panchayat Area No. 4, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Badi Govindpur, Post- Saroban, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-



Executive Officer, Munger, Block Panchayat Samiti, District- Patna.

12. Jawahar Sav Son of not known Member Panchayat Area No. 5, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Matarih, Post- Jamalpur, Darhara, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
13. Pradeep Kumar Bharti Son of not known Member Panchayat Area No. 6, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Dashrathi, Post- Ittva, Dharhara, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
14. Manju Devi Wife of not known Member Panchayat Area No. 7, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Sundardih, Post- Ittva, Dharhara, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
15. Niranjan Mishra Son of not known Member Panchayat Area No. 8, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Pachruki, Post- Ittva, Dharhara, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
16. Komal Kumari Wife of not known Member Panchayat Area No. 9, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Amaari, Post- Amaari, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
17. Puran Kumar Mandal Son of not known Member Panchayat Area No. 12, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Khushalpur, Post- Dharhara, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
18. Pankaj Thakur Son of not known Member Panchayat Area No. 13, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Dharhara Dakshin, Post- Dharhara, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
19. Neha Kumari Wife of not known Member Panchayat Area No. 16, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Govindpur, Post- dharhara, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.
20. Phula Devi Wife of not known Member Panchayat Area No. 17, Panchayat



Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Kumarpur, Post- Ghatwari, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.

21. Nemu Devi Wife of not known Member Panchayat Area No. 18, Panchayat Samiti Members of the Block Panchayat Samiti, Darhara, Munger, R/O Gram- Sakhol, Post- Bangalwa, District- Munger. Elected Member of Block Panchayat Samiti, Munger, through Block Development Officer-cum-Executive Officer, Munger, Block Panchayat Samiti, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Srivastava, Sr. Advocate
Mr. Apurv Harsh, Advocate
Mr. Manu Tripurari, Advocate
Mr. Sujit Kumar, Advocate
Mr. Almany, Advocate
Mr. Raghu Raj, Advocate
For the State : Mr. S. Raza Ahmad, AAG-5
Mr. Kamil Akhtar, AC to AAG-5

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT**

Date : 19-01-2024

Heard Mr. Amit Srivastava, learned senior counsel assisted by Mr. Apurv Harsh, learned counsel appearing on behalf of the petitioner and Mr. S. Raza Ahmad, learned AAG-5 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, Munger, 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, Munger, 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 20.01.2024, 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 20.01.2024 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, Munger, 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

