

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1329 of 2024

Chanda Kumari Wife of Sri Santosh Paswan, Resident of village- Ujain Lohiyar Ward No.- 13, P.O.- Gayghat, P.S.- Harsidhi, District - East Champaran at Motihari, Presently Pramukh of Block Panchayat Samiti, Harsidhi District - East Champaran at Motihari.

... .. Petitioner/s

Versus

1. The 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, East Champaran at Motihari, District - East Champaran at Motihari.
4. The Block Development Officer-cum- Executive Officer, Block Panchayat Samiti, Harsidhi, District - East Champaran at Motihari.
5. Suganti Devi, Wife of Sri Narendra Kumar Rai, Presently Up- Pramukh of Block Panchayat Samiti, Harsidhi, P.O. and P.S. Harsidhi, District - East Champaran at Motihari, the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
6. Rizwana Khatoon, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
7. Vijay Kumar Kushwaha, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
8. Aasma Praveen, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
9. Prabha Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
10. Deepak Kumar, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
11. Geeta Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.



12. Geeta Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
13. Suvasani Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
14. Pradeep Kumar Yadav, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
15. Braj Kishore Yadav, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
16. Dinesh Prasad, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
17. Gulaichi Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
18. Kanhaiya Prasad, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
19. Shivji Yadav, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
20. Rajia Khatoon, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
21. Shailendra Kumar, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
22. Wasima Khatoon, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
23. Mustaqueem Ansari, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and



P.S. Harsidhi, District - East Champaran at Motihari.

- 24. Savitri Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
- 25. Suresh Das, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
- 26. Sarfaraz Rai, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
- 27. Kanhaiya Prasad, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
- 28. Amzad Khan, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
- 29. Janki Devi, Wife of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.
- 30. Hasan Raja Mian, Son of not known to the petitioner the elected member of Block Panchayat Samiti, Harsidhi through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Harsidhi P.O. and P.S. Harsidhi, District - East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the State	:	Mr. S.D. Yadav, AAG-9
		Mr. Braj Bhushan Mishra, AC to AAG-9
For the Pvt. Respondent :		Mr. Y.V. Giri, Sr. Advocate
		Mr. Pranav Kumar, Advocate
		Ms. Shrishti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2024 Heard Mr. Awnish Kumar, learned counsel appearing
on behalf of the petitioner; Mr. S.D. Yadav, learned AAG-9 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.16.

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, East Champaran at Motihari, 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, East Champaran at Motihari, 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 must ensure to communicate this order forthwith to the District Magistrate, East Champaran at Motihari, as well as, to the Block Development Officer, Harsidhi without waiting for pronouncement of the order.

6. Accordingly, the present writ petition is disposed of.

(Purnendu Singh, J)

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