

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1322 of 2024

Sangita Devi wife of Sri Alok Kumar, resident of Village and P.O. Gardhi Mohanpur, P.S. Mohanpur, District-Samastipur, presently Pramukh of Block Panchayat Samiti, Mohanpur, District-Samastipur.

... .. 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, Samastipur, District-Samastipur.
4. The District Panchayat Raj Officer, Samastipur, District-Samastipur.
5. The Sub Divisional Officer, Patori, District-Samastipur.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, District-Samastipur.
7. The Block Panchayat Raj Officer, Mohanpur, District-Samastipur.
8. Amresh Kumar, son of not known to the petitioner, presently Up-Pramukh of Block Panchayat Samiti, Mohanpur, P.O. and P.S.-Mohanpur, District-Samastipur.
9. Uma Shankar Rai, Son of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
10. Amar Kumar Rai, son of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
11. Nutan Kumari, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
12. Rina Kumari, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
13. Divya Devi, Wife of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
14. Dipa Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
15. Upendra Das, son of not known to the petitioner, elected member of Block

- Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
16. Sarita Sahni wife of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
17. Kiran Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
18. Arti Kumari, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
19. Ganesh Rai, son of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.
20. Chunchun Rai, son of not known to the petitioner, elected member of Block Panchayat Samiti, Mohanpur through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Mohanpur, P.O. and P.S. Mohanpur, District-Samastipur.

... .. Respondent/s

Appearance :

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

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, 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 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 must ensure to communicate this order forthwith to the District Magistrate, Samastipur, as well as, to the Block Development Officer, Mohanpur without waiting for pronouncement of the order.

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

(Purnendu Singh, J.)

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