

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1330 of 2024

Rekha Singh Wife of Ritesh Singh, Resident of Bodha Chhapra, Dighwara, P.S.- Avtar Nagar, District Saran at Chhapra, Bihar- 841207, presently member from Territorial Constituency no. 4, Dighwara Block Panchayat Samiti, District Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. State Election Commission, through its Secretary, 3rd floor, Sone Bhawan, Beer Chand Patel Path, Patna.
3. District Magistrate- cum- District Election Officer (Panchayat), Saran at Chhapra.
4. Sub-Divisional Officer, Sonpur, District Saran at Chhapra.
5. Block Development Officer, Dighwara- cum-Executive Officer, Dighwara Block Block Panchayat Samiti, District Saran at Chhapra.
6. Manu Devi, Wife of Dilip Kumar Singh, Resident of village Ramdaschak, P.O. and P.S.- Dighwara, District Saran at Chhapra, Presently Pramukh of Dighwara Block Panchayat Samiti, District Saran at Chhapra.
7. Shobha Kumari, Wife of Akhilesh Rai, Resident of Village and P.O.- Haraji, P.S.- Awtar nagar, District Saran at Chhapra, Presently Up-Pramukh Dighwara Block Panchayat Samiti, District Saran at Chhapra.
8. Raj Kumar Ram, Son of Ramdev Ram, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 12. District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
9. Neha Kumari, Wife of Ashwini Kumar Pandey, Member Dighwara Block Panchayat Samiti from Territorial Constituency no 09. District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
10. Prakash Kumar Singh, Son of Akshywar Singh, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 05. District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive Officer, Dighwara Block Panchayat Samiti, district Saran at Chhapra.
11. Vinita Kumari, Wife of Jagjivan Kumar Paswan, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 11. District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive Officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
12. Rita Devi, Wife of Rajvanti Mahto, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 06 District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive

officer, Dighwara Block Panchayat Samiti, district Saran at Chhapra.

- 13. Neha Kumari, Wife of Mukesh Kumar Singh, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 01, District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
- 14. Sanju Devi, Wife of Tarkeshwar Rai, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 02, District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
- 15. Rakesh Kumar, Son of Upendra Singh, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 07, District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive Officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
- 16. Lalan Pandit, Son of Santlal Pandit, Member of Dighwara Block Panchayat Samiti from Territorial Constituency no. 10, District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
- 17. Ajay Kumar, Son of Yogendra Rai, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 13, District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive Officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.
- 18. Sarswati Devi, Wife of Jamadar Prasad Singh, Member Dighwara Block Panchayat Samiti from Territorial Constituency no. 14, District Saran at Chhapra, elected member of Dighwara Block Panchayat Samiti through Executive Officer, Dighwara Block Panchayat Samiti, District Saran at Chhapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Parijat Saurav, Advocate
	:	Mr. Santosh Kumar, Advocate
For the SEC	:	Mr. Girish Pandey, Advocate
For the Respondent/s	:	Mr. Standing Counsel 7

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2024 Heard Mr. Parijat Saurav along with Mr. Santosh Kumar, learned counsels appearing on behalf of the petitioner; Mr. Girish Pandey, learned counsel appearing on behalf of the State Election Commission and Mr. Standing Counsel-7, learned counsel appearing on behalf of 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, Saran at Chhapra, 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, Saran at Chhapra, 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, Saran at Chhapra, as well as, to the Block Development Officer, Dighwara without waiting for pronouncement of the order.

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

(Purnendu Singh, J.)

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