

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1328 of 2024

Ravi Ranjan Kumar @ Tantan Son of Mohan Prasad Singh, Resident of Village and Post Office- Ram Chandrapur, Police Station and Block- Piparia, District- Lakhisarai, Presently holding the elected post of Adhayaksha, Zila Parishad, Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Deputy Development Commissioner-cum- Chief Executive Officer, Zila Parishad, Lakhisarai.
4. The State Election Commissioner (Panchayat), through its Secretary, having its office at Sone Bhawan, Birchand Patel Path, Patna.
5. Binita Kumari, Wife of Rajesh Kumar Singh, Resident of Village and Post Office- Ganga Sarai, Police Station and Block Barahia, District- Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No.- 1, Lakhisarai.
6. Chunchun Devi, Wife of Himanshu Kumar Singh, Resident of Village and Post Office- Rampur, Police Station and Block- Suryagarha, District- Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 3, Lakhisarai.
7. Ravi Raj, Son of Vinay Kumar Gupta, Resident of Village Nista, Post Office and Block- Suryagarha, District Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 4, Lakhisarai.
8. Amit Sagar, Son of Om Kumar Singh, Resident of Village and Post Office- Amarpur, Block- Suryagarha, District- Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 05, Lakhisarai.
9. Amit Kumar, Son of Raj Kishore Singh, Resident of Village Dihra, (Patner), Block and Police Station- Lakhisarai, District Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 07, Lakhisarai
10. Bhanu Kumar, Son of Yogendra Singh, Resident of Village- Hasanpur, Post Office- Mahisona, Block and Police Station- Lakhisarai, District- Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 08, Lakhisarai.
11. Smt. Anita Mahto, Wife of Madan Mahto, Resident of Village Maheshlota, Police Station Block- Chanan, District Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 09, Lakhisarai.
12. Smt. Khusbu Kumari, Wife of Subhash Rajak, Resident of Village- Navgarh, Post Office- Tetarhat, Block and Police Station- Ramgarh Chauk, District- Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 10, Lakhisarai.
13. Smt. Anshu Kumari, Wife of Rohit Kumar, Resident of Village Baghaur, Block and Police Station- Halsi, District- Lakhisarai, Elected Member of



Zila Parishad Territorial Constituency No. 11, Lakhisarai.

14. Narayan Tanti, Son of Karu Tanti, Resident of Village- Mariachak, Post Office and Block,- Suryagarha, District- Lakhisarai, Elected Member of Zila Parishad Territorial Constituency No. 06, Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the State : Mr. Ajay Kumar, AC to GP-4
For the S.E.C. : Mr. Ravi Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-01-2024 Heard Mr. Arun Kumar, learned counsel appearing on behalf of the petitioner; Mr. Ajay Kumar, learned AC to GP-4 appearing on behalf of the State and Mr. Ravi Ranjan, learned counsel for the State Election Commission.

2. Petitioner has prayed for following relief(s) in paragraph no. 1 of the writ petition, which *inter alia* is reproduced hereinafter:

“(i) For issuance of a writ in the nature of certiorari setting aside the impugned requisition dated 06.01.2024 addressed to respondent District Magistrate, Lakhisarai (Respondent No. 2) duly signed by 8 (Eight) Elected Members of Zila Parishad, Lakhisarai bringing motion of no confidence motion against Adhayaksha, Zila Parishad, Lakhisarai and copy to the Respondent Deputy Development Commissioner-cum-Chief Executive Officer (Respondent No. 3) contrary to Section 70(4)(i) of the Bihar Panchayat Raj Act as the requisition for no confidence motion against Adhayaksha with a copy to the District Magistrate and as such impugned requisition is itself contrary to the statutory provision of the Bihar Panchayat Raj Act, 2006 (hereinafter Act 2006 only).

(ii) For further setting aside the impugned notice bearing Letter No. 41 dated 17.01.2024 issued under the signature of Respondent No. 3 whereas the date of Special Meeting commenced for discussion on No confidence motion brought against Adhayaksha (Petitioner) has been fixed by Respondent No. 2 District Magistrate, Lakhisarai on 27.01.2024 at 11.30 A.M. at “Zila Mantrana Kaksha, Lakhisarai” in view of proviso of section 70(4)(i) of the Act 2006 and without mentioning the material fact in very cryptic manner impugned



notice has been issued under signature of Respondent No. 3 without including or enclosing the written requisition for motion of No Confidence against the petitioner.

(iii) For staying the Special meeting convened on 27.01.2024 in pursuant to impugned notice bearing Letter No. 41 dated 17.01.2024 issued by Respondent No. 3 which is contrary to the statutory provision under the Act.

(iv) For any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is an honest man and from bare perusal of the allegation made in the requisition for holding a special meeting for ‘no confidence motion’ it cannot be clearly stated that petitioner has misappropriated the fund or in absence of any specific allegation that he has not been holding meeting of the Zila Parishad within the specified times from time to time as prescribed under the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the ‘Act’). In these background, learned counsel submitted that the petitioner found the allegation to be without any substance and the requisition being without fulfilling the requirement of Section 70 (4) of the Act and there is no requirement to call for any ‘no confidence motion’.

4. *Per contra*, Mr. Ajay Kumar, learned AC to GP-4 appearing on behalf of the State submitted that the requisitionists may file a fresh requisition if they find any allegation against the petitioner or the petitioner has not held



any meeting from time to time of the Zila Parishad. In want of any allegation, the requisition itself has not legal sanctity.

5. Considering the aforesaid submission made on behalf of the parties, as well as, the admitted fact that the notice of requisition for special meeting as contained in 'Annexure-1' jointly filed by eight requisitionists don't fulfill the requirement of the Act. If any member of the Zila Parishad is aggrieved by the non-functioning of the petitioner or the petitioner is engaged in misappropriation in any manner in that case, they may approach the Additional Chief Secretary in accordance with the provision of Section 70 (5) of the Act.

6. The Additional Chief Secretary must fulfill the requirement of the Act and direct the Lok Prahari to enquire into the affairs of the Zila Parishad whether the petitioner has acted in an illegal manner, appropriate action be taken against him after giving due opportunity of hearing to all the affected parties.

7. The special meeting dated 27.01.2024 shall lose its operation till final decision is taken by the District Magistrate.

8. 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, Lakhisarai, as well



as, to the Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Lakhisarai, without waiting for pronouncement of the order.

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

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

