

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1418 of 2024

1. Santosh Kumar Son of Ramkeshwar Saw Resident of village- Pankara P.O. Aadarchak, P.S. Dumariya, District - Gaya presently Pramukh of Block Panchayat Samiti, Dumariya, District Gaya.
2. Palita Devi Wife of Gobind Kumar resident of village- Bhangia, P.O. Kewlakala, P.S. Dumariya, District - Gaya presently Up-Pramukh of Block Panchayat Samiti, Dumariya, District -Gaya.

... .. 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, Gaya, District - Gaya.
4. The District Panchayat Raj Officer, Gaya. District - Gaya.
5. The Sub- Divisional Officer, Gaya, District - Gaya.
6. The Block Development Officer-cum- Executive Officer, Block Panchayat Samiti, Dumariya District - Gaya.
7. The Block Panchayat Raj Officer, Dumariya, District - Gaya.
8. Ramchandra Singh Son of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
9. Nitu Devi Wife of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
10. Sunaina Kumari Wife of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
11. Jitendra Das Son of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
12. Ajay Kumar Son of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
13. Mamta Kumari Wife of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.

- 14. Asha Devi Wife of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
- 15. Lalita Devi Wife of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
- 16. Hasibun Nisha Wife of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
- 17. Arjun Prasad Son of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
- 18. Upendra Prasad Son of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
- 19. Ravindra Singh Son of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
- 20. Pradip Paswan Son of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.
- 21. Sangita Devi Wife of not known to the petitioners The elected members of Block Panchayat Samiti, Dumariya through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Dumariya, P.O. and P.S. Dumariya, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the Respondent/s : Mr. Government Pleader 26

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-01-2024 Heard Mr. Awnish Kumar, learned counsel

 appearing on behalf of the petitioners and Government Pleader

 No. 26, learned counsel appearing on behalf of the State.

2. Learned counsel appearing on behalf of the petitioners submits that the petitioners seek to avail remedy under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter to be referred as the 'Act') before the District Magistrate, Gaya, for the relief(s) as prayed for in the present writ petition.

3. Considering the limited relief(s) as sought for by the petitioners, the District Magistrate, Gaya, 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, Gaya, as well as, to the Block Development Officer, Dumariya without waiting for pronouncement of the order.

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

(Purnendu Singh, J.)

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