

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1413 of 2024

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Tanuja Kumari W/o- Sunil Kumar Singh resident of Village- Vishunpur, P.S.-
Islampur, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Nalanda.
5. The District Development Commissioner-cum-Executive Officer, Zila Parishad, Nalanda.
6. Pinki Kumari Wife of Prem Kumar Sinha Permanent Resident of Village Maheshpur, P.S.- Chandi, District- Nalanda, Bihar, at present Nav Bihar Colony, Transport Nagar, Sampatchak, P.S. Sampatchak, District- Patna.
7. Ajay Kumar son of not known to the petitioner Resident of Village- Makhdumpur, P.O. and P.S. Karaiparsurai, District- Nalanda.
8. Archana Kumari wife of not known to the petitioner, Resident of Village Mahadipur, P.O.- Tina, P.S. Nagarnausa, District- Nalanda.
9. Sanjay Kumar son of not known to the petitioner, Resident of Village Lohanda, P.O. Dahbiga, P.S. Hilsa, District- Nalanda.
10. Pammi Kumari wife of not known to the petitioner Resident of Village Gondu Biga, P.O. Gondubiga, P.S. Chiksaura, District- Nalanda.
11. Gayatri Devi wife of not known to the petitioner Resident of Village Injora, P.O. and P.S. Ekangarsarai, District- Nalanda
12. Uma Devi, wife of not known to the petitioner Resident of Village Kadilpur, P.O. Narayanpur, P.S. Ekangarsarai, District- Nalanda.
13. Archana Sinha wife of not known to the petitioner Resident of Village Muzaffara, P.O. Bardih, P.S. Islampur, District- Nalanda
14. Anuradha Devi wife of not known to the petitioner Resident of Village Panhar, P.O.- Panhar, P.S. Khodaganj, District- Nalanda.
15. Nutan Devi wife of not known to the petitioner Resident of Village and P.O. Bhui, P.S. Silao, District- Nalanda.
16. Baby Devi wife of not known to the petitioner Resident of Village and P.O. Barakar, P.S. Silao, District- Nalanda.
17. Navita Sinha wife of not known to the petitioner Resident of Village and P.O. Dharhora, P.S. Silao, District- Nalanda.
18. Punam Sinha wife of not known to the Petitioner Resident of Village Chhotki Ant, P.O. Badki Ant, P.S. Ben, District- Nalanda.
19. Priti Devi wife of not known to the Petitioner Resident of Village Govindpur Beldarari, P.O. Badara, P.S. Nursarai, District- Nalanda. Patna



20. Juli Kumari wife of not known to the petitioner Resident of Village- Saidi, P.O. Nursai, P.S. Nursarai, District- Nalanda.
21. Udai Nandan Prasad son of notknown to the petitioner Resident of Village and P.O. Dhangawan, P.S.- Parwalpur, District- Nalanda.
22. Amit Kumar Raj son of not known to the petitioner Resident of Village Atwal chak, P.O. Madhopur, P.S. Tharthari, District- Nalanda.
23. Niranjan Kumar son of not known to the petitioner Resident of Village Giridharchak, P.O. Sirnama, P.S. Haranut, District- Nalanda.
24. Kamlesh Paswan son of not known to the petitioner Resident of Village and P.O. Daytupur, P.S. Chandi, District- Nalanda.
25. Mamta Devi wife of not known to the petitioner, Resident of Village Ramsang, P.O. Haranuat P.S. Harnaut, District- Nalanda.
26. Tusi Devi, wife of not known to the petitioner Resident of Village Bishunpur, P.O. Utarnama, P.S. Rahui, District- Nalanda.
27. Kirti Devi wife of not known to the petitioner Resident of Village Nijaai, P.O. Sonsa, P.S. Rahui, District- Nalanda.
28. Bipin Kumar son of not known to the petitioner Resident of Village and PO. and P.S.- Bind, District- Nalanda.
29. Narottam son of not known to the petitioner Resident of Village- Kotara, P.O.- Gopalbad, P.S.- Sarmera, District- Nalanda.
30. Ashok Kumar Singh son of not known to the petitioner Resident of Village- Tora, P.O. and P.S.- Sarmera, District- Nalanda.
31. Purushottam Kumar Sinha son of not known to the petitioner Resident of Village- Dayamchak, P.O.- Kailapur, P.S.- Saare, District- Nalanda.
32. Pankaj Kumar son of not known to the Petitioner Resident of Village Molna Bigaha, P.O. Onda, P.S Saare, District Nalanda.
33. Ajay Kumar son of not known to the petitioner Resident of Village Fatehpur, P.O. Ugawan, P.S. Asthawan, District- Nalanda.
34. Geeta Devi wife of not known to the petitioner Resident of Village and P.O.- Nakatpura, P.S.- Bihar, District- Nalanda.
35. Mamta Kumari wife of not known to the petitioner Resident of Village and P.O. Raitar, P.S. Giriyak, District- Nalanda.
36. Anita Devi wife of not known to the petitioner Resident of Village Tetarwan P.O.- Tetarwan, P.S.- Manpur, District- Nalanda.
37. Mano Devi wife of not known to the petitioner Resident of Village Keshopur, P.O. Keshorpur, P.S. Hisla, District- Nalanda.
38. Kaushlendra Prasad son of not known to the petitioner Resident of Village Maira, P.O. Maira Barit, P.S. Katri Sarai, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Gyanand Roy, Advocate.
		Mr. Kumar Mritunjay Narain, Advocate.
For the Zila Parishad	:	Mr. Awadhesh Prasad Sinha, Advocate.



For the State : AC to GA-5.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 23-01-2024

Heard Mr. Gyanand Roy, learned counsel along with Mr. Kumar Mritunjay Narain, learned counsel appearing on behalf of the petitioner; Mr. Awadhesh Prasad Sinha, learned counsel for the Zila Parishad and learned AC to GA-5 for the State.

2. Grievance of the petitioner is that there is violation of provision of Sections 70(4)(i) and 70(5) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act'). Petitioner submits that the exercise of power by the District Magistrate, Nalanda under Section 70(5) of the Act is without jurisdiction inasmuch as without assigning any reason he has stayed the special meeting of 'No Confidence Motion' in respect of the Chairman and Deputy Chairman of Zila Parishad, Nalanda. The Act mandates that once the requisition is made before the Chairman, then the Chairman is required to hold a special meeting of 'No Confidence Motion'.

3. Considering the requirement of the Act, the members of the Zila Parishad are directed to give their attendance in person before the Chairman of the Zila Parishad, Nalanda on 25.01.2024.



4. The District Magistrate, Nalanda is directed to ensure that the Chairman fixes a date of special meeting of ‘No Confidence Motion’ in accordance with the provision of Section 70 of the Act.

5. The writ petition stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.01.2024
Transmission Date	N.A.

