

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1487 of 2024

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Gulshan Khatun Wife of Sri Khurshed Hussain Ansari Resident of Village-
Chak Mahmuda, P.O.- Takipur, P.S.- Maharajganj, District- Siwan, Presently
Pramukh of Block Panchayat Samiti, Maharajganj, District- Siwan.

... .. 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, Siwan, District- Siwan.
4. The District Panchayat Raj Officer, Siwan, District- Siwan
5. The Sub-Divisional Officer, Maharajganj, District- Siwan
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, District- Siwan
7. The Block Panchayat Raj Officer, Maharajganj, District- Siwan
8. Manju Devi Wife of not known to the Petitioner Presently Up-Pramukh of Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
9. Rakesh Kumar Singh Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
10. Bachchi Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
11. Yogendra Rai Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
12. Pramod Kumar Pandey Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
13. Mukesh Kumar Manjhi Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
14. Satyendra Manjhi Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
15. Saroj Kumar Son of not known to the Petitioner The elected Member of



- Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
16. Harendra Ram Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 17. Chandrawati Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 18. Mira Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 19. Geeta Devi Wife of not known to the petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 20. Rambha Devi wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 21. Jitendra Mishra Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 22. Sujita Devi wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 23. Pratima Devi wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 24. Manju Devi wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 25. Munna Thakur Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
 26. Shail Devi Wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan



- 27. Ranju Devi wife of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan
- 28. Salim Malik Son of not known to the Petitioner The elected Member of Block Panchayat Samiti, Maharajganj through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Maharajganj, P.O. and P.S.- Maharajganj, District- Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Advocate Mr. Awnish Kumar, Advocate
For respondent no. 10	:	Mr. Vindhyachal Singh, Sr. Advocate Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Manoj Kumar Sinha, AC to SC-19

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2024 Heard Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the petitioner; Mr. Vindhyachal Singh, learned senior counsel appearing on behalf of respondent no. 10 and Mr. Manoj Kumar Sinha, learned AC to SC-19 for the State.

2. At the outset, Mr. Vindhyachal Singh, learned senior counsel appearing on behalf of respondent no. 10 seeks to file counter affidavit.

3. The same is directed to be filed in registry.

4. Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the petitioner submits that matter requires to be adjudicated by the District Magistrate-cum-Collector, Siwan, in exercise of power under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the ‘Act’).



5. Considering the grievance of the petitioner that there is complete violation of procedure prescribed under Section 44 (3)(i) of the Act, it would be in the interest of justice to call upon the members of the Panchayat Samiti, who are 21 in total and for this, to avoid time in process of issuing notice, this Court finds that the District Magistrate must ensure to inform the Block Development Officer-cum-Executive Officer, Maharajganj, Siwan, so that all the 21 members may appear before him in person on 27.01.2024.

6. In case of failure by any of the member, the District Magistrate must resort to first enquire, as to whether, he has deliberately avoided to appear before him is for any genuine cause. If it is deliberate, the District Magistrate must ensure to take appropriate action in accordance with law against the concerned member of Panchayat Samiti.

7. The District Magistrate is directed to pass a reasoned order after providing due opportunity of hearing to all the interested parties expeditiously on or before 31.01.2024 without fail.

8. The special meeting dated 29.01.2024 shall lose its operation till final decision is taken by the District Magistrate.

9. As the order has been passed in the open Court,



learned counsel for the State has ensured that he will immediately communicate the District Magistrate, Siwan, by both the means, fax, as well as, by telephonic communication, even before the order is pronounced.

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

(Purnendu Singh, J)

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