

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1494 of 2024

Usha Devi @ Usha Wife of Vihari Mishra Jogia Resident of village and P.O. Jogia P.S. Brahmpur District - Buxar, presently Pramukh of Block Panchayat Samiti, Brahmpur, District -Buxar.

... .. 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, Buxar, District-Buxar.
4. The District Panchayat Raj Officer, Buxar. District-Buxar.
5. The Sub- Divisional Officer, Dumraon, District-Buxar.
6. The Block Development Officer-cum- Executive Officer, Block Panchayat Samiti, Brahmpur, District - Buxar.
7. The Block Panchayat Raj Officer, Brahmpur, District Buxar.
8. Smt. Shivratri Devi wife of not known to the petitioner, Presently Up-Pramukh of Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District-Buxar.
9. Mangri Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
10. Pratibha Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
11. Gayatri Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
12. Nagendra Singh Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
13. Anju Kumari Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
14. Rama Shankar Tiwary Son of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.



15. Ramavatar Thakur Son of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
16. Deo Narayan Ram Son of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
17. Arvind Pal Son of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
18. Munni Kumari Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
19. Kanchan Kumar Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
20. Bindu Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
21. Soni Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
22. Lakshmi Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
23. Ripu Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
24. Mira Singh Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
25. Asha Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
26. Sima Kumari Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S.



Brahmpur, District - Buxar.

- 27. Pramila Devi Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
- 28. Harendra Pandey Son of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
- 29. Sanjay Kumar Pandey Son of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.
- 30. Gunjay Kumari Wife of not known to the petitioner Elected members of Block Panchayat Samiti, Brahmpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Brahmpur, P.O. and P.S. Brahmpur, District - Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S. B. K. Manglam, Advocate.
Mr. Awnish Kumar, Advocate.
For Respondent Nos.8&9: Mr. Manoj Madhav, Advocate.
For the Respondent/s : Mr.Standing Counsel 18

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2024 Heard Mr. S.B.K. Manglam, learned counsel along with Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioner; Mr. Manoj Madhav, learned counsel appearing on behalf of respondent nos. 8 and 9 and learned AC to SC-18 for the State.

2. Mr. S.B.K. Mangalam, learned counsel appearing on behalf of the petitioner submits that the petitioner filed C.W.J.C. No. 760 of 2024 for quashing the notice dated 09.01.2024. He further submits that the notice dated 09.01.2024



fixing the date of special meeting on 16.01.2024 was set aside by this Court. He also submits that the respondent no.8 fixed the date of special meeting on 29.01.2024. He further submits that the matter requires to be adjudicated by the District Magistrate-cum-Collector, Buxar in exercise of power under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act').

3. 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 all the members of the Panchayat Samiti 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, Brahmpur, Buxar, so that all the Panchayat Samiti members may appear before him in person on 27.01.2024.

4. 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..



5. 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 01.02.2024 without fail.

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

7. Learned counsel for the State may take steps to immediately communicate the District Magistrate, Buxar by both the means, fax, as well as, by telephonic communication, even before the order is pronounced.

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

(Purnendu Singh, J)

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