

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.356 of 2024

In

Civil Writ Jurisdiction Case No.1099 of 2024

=====

Gaurav Kumar @ Gaurav Kumar Rai S/o Sri Rajkishore Rai Resident of
Village and P.O.- Tulshipur, P.S.- Kharikbazar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Bhagalpur.
3. Deputy Development Commissioner, Bhagalpur cum Executive Officer,
Zela Parishad, Bhagalpur.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Rajesh Prasad Choudhary, Advocate

For the Opposite Party/s : Mr. Raj Kishore Rai, Government Pleader 18

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 29-01-2024 Supplementary affidavit filed on behalf of the

petitioner is directed to be kept on record.

2. Heard Mr. Rajesh Prasad Choudhary, learned
counsel appearing on behalf of the petitioner and Mr. Raj
Kishore Rai, learned GP 18 for the State.

3. This application has been filed for modification of
the order dated 19.01.2024 passed in CWJC No.1099 of 2024.

4. Learned counsel appearing on behalf of the
petitioner submits that in the aforesaid order in paragraph no.3,
due to inadvertent typographical mistake, “Panchayat Samiti of
concerned Block” has been typed in place of “Zila Parisahd,
Bhagalpur”; similarly “Pramukh, Up-Pramukh and all the



members of the Panchayat Samiti” has been typed in place of “Adhyash, Upadhyash and all members of Zila Parishad of Bhagalpur” and provision of “Section 44 or Section 46 of the Bihar Panchayat Raj Act, 2006” has been typed in place of “Section 70(4)(i) of the Bihar Panchayat Raj Act, 2006”.

5. Considering the aforesaid typographical mistake, as pointed out by learned counsel appearing on behalf of the petitioner, the same is required to be rectified by substituting “Zila Parishad, Bhagalpur” in place of “Panchayat Samiti of concerned Block”. Similarly in place of “Pramukh, Up-Pramukh and all the members of the Panchayat Samiti” the same is substituted by “Adhyash, Upadhyash and all members of Zila Parishad of Bhagalpur” and in place of “Section 44 or Section 46 of the Bihar Panchayat Raj Act, 2006” the same is substituted by “Section 70(4)(i) of the Bihar Panchayat Raj Act, 2006” in paragraph no.3.

6. Considering the fact that special meeting which was scheduled to be convened on 23.01.2024 and the same was convened on 27.01.2024 but the petitioner has not attended the meeting, as informed by Mr. Raj Kishore Rai, learned state counsel, is required to inform the District Magistrate about the order.



7. The District Magistrate is directed to ensure the presence of the petitioner and all the members of the Zila Parishad to give their attendance before him on 02.02.2024 at 11:00 a.m. In case of failure, he may take help of Superintendent of Police concerned, so that he may ensure the physical presence of all the members including the petitioner in the meeting.

8. The order dated 19.01.2024 is modified to the above extent only. The other part of the order shall remain intact.

9. The modification petition stands allowed.

10. Mr. Raj Kishore Rai, learned GP 18, informs that he will communicate this order to the District Magistrate, as well as, the Superintendent of Police, Bhagalpur forthwith without waiting the order to be pronounced to avoid any inconvenience.

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

