

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1507 of 2024

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Rinku Devi wife of Dinkar Chaudhary, resident of Village-Singhia Makanpur,
Ward No. 5, P.S. Gopalpur, Naugachhiya, District-Bhagalpur, Bihar-853204.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The Sub Divisional Officer, Gopalpur, District-Bhagalpur.
6. The Block Development Officer, Gopalpur cum Executive Officer, Block Panchayat Samiti, Gopalpur, District-Bhagalpur.
7. Babumani Yadav, son of Bharat Yadav, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
8. Mala Devi, Wife of Umesh Singh, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
9. Dhananjay Singh, Son of not known, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
10. Deepak Kumar, son of Akhileshwar Prasad Sharma, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
11. Manoj Kumar Das, Son of Narayan Ravi Das, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
12. Md. Tetar, son of Md. Kamruddin member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
13. Dhananjay Kumar, son of Naresh Yadav, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
14. Manoj Jha, son of Jai Bhadar Jha, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
15. Annu Kumari, wife of Pawan Kumar, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.



- 16. Ragani Devi, wife of Saket Bihari, member of Block Panchayat Samiti, Gopalpur, through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Gopalpur, P.S. Gopalpur, District-Bhagalpur.
- 17. The State Election Commission Patna through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Raj, Adv,
For the Respondent/s : Mr. Jitendra Kumar, AC to GA-10
Mr. Raiishwar Singh, GA-10
Mr. Ravi Ranjan, Advocate
Mr. Girish Pandey, Adv

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 05-08-2024 Heard Mr. Niranjan Kumar, learned counsel for the petitioner, Mr. Jitender Kumar, learned AC to GA-10, as also Mr. Girish Pandey representing the State Election Commission, Bihar, Patna.

2. The present writ petition has been preferred for the following relief(s):

(i) for issuance of writ in the nature of Certiorari for quashing of the order dated 19.01.2024, contained in Memo No. 78 issued by the District Magistrate, Bhagalpur whereby and whereunder direction has been given to the Executive Officer-cum-Block Development Officer, Gopalpur to communicate the date of special meeting for want of no confidence motion to the Sub Divisional Officer, Nagachhiya without giving ample opportunity of hearing to the petitioner by just performing formality in a very erroneous and mechanical manner, although there is gross



violation of Section-44 and section-46b of the Bihar Panchayati Raj Act, 2006;

(ii) for issuance of writ in the nature of Certiorari for quashing the letter dated 19.01.2024 contained in Memo No. 54 issued under the signature of Executive Officer-cum-Block-Development Officer, Gopalpur addressed to the Pramukh Panchayat Samiti, Gopalpur with respect to fixed the date for convening the special meeting for want of no confidence motion in complete violation of Section-44(3)(ii) of the Act, 2006, which clearly stipulates that such a no confidence motion shall be brought only once in the whole tenure of Pramukh;

(iii) For staying the operation of order dated 19.01.2024 issued under the signature of District Magistrate, Bhagalpur and letter dated 19.01.2024 contained in Memo No. 54 issued under the signature of Executive Officer-cum-Block-Development Officer, Gopalpur during the pendency of the writ Application;

(iv) for restraining the responsible respondent authorities concerned, that not to take any biased action/omission in connivance with the requisitionists under the influence of powerful political persons, which would be miscarriage of process of democracy system.

3. Learned counsel for the petitioner submits that



lots of water has flown down the ganges and in that background, he may be granted liberty to take appropriate recourse in the matter.

4. Granting said liberty and without making any comment on the merit of the case, the writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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