

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1571 of 2024

Sharvan Kumar Sah son of Late Anant Lal Sah, resident of Village-Kali Sthan, P.O. Kumaripur, P.S. Manihari, District-Katihar, presently Pramukh of Block Panchayat Samiti, Manihari, District-Katihar.

... .. 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 Katihar, District-Katihar.
4. The District Panchayat Raj Officer, Katihar, District-Katihar.
5. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, District-Katihar.
6. Sunita Devi wife of not known to the petitioner, Presently Up-Pramukh of Block Panchayat Samiti, Manihari, P.O. and P.S.-Manihari, District-Katihar.
7. Anita Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
8. Munmun Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
9. Munna Rajak, son of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
10. Munni Devi, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
11. Sawana Khatoon wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
12. Hardip Mandal son of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
13. Rehana Khatoon wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.



14. Gulshan Khatoon, wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
15. Sanjay Mandal, son of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
16. Md. Intaizar son of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
17. Kundan Kumar, son of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
18. Sabita Devi wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
19. Munni Tuddu wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
20. Rekha Hansda wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
21. Aisa Khatoon wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
22. Md. Mokim, son of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
23. Laddu Khan, son of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
24. Sitara Khatoon wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.
25. Asmina Khatoon wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S.



Manihari, District-Katihar.

26. Jinat Khatoon wife of not known to the petitioner, elected member of Block Panchayat Samiti, Manihari through the Block Development Officer cum Executive Officer, Block Panchayat Samiti, Manihari, P.O. and P.S. Manihari, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. S.B.K. Mangalam, Advocate
Mr. Awnish Kumar, Advocate
For the Respondent/s : Mr. Government Advocate 10

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2024 Heard the parties.

2. 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, Katihar, 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 the members of the Panchayat Samiti 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, concerned, so that all the 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 03.02.2024 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, concerned, by both the means, fax as well as, by telephonic communication.

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

(Purnendu Singh, J)

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