

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1665 of 2024

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Nagendra Kumar Son of Late Ram Balak Verma, Resident of village- Baruna,
P.O.- Khajuri, P.S.- Naubatpur, District- Patna, Bihar- 801109.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, District - Patna.
3. The Deputy Development Commissioner -cum- Chief Executive Officer, Zila Parishad, District Patna, Patna.
4. The District Panchayati Raj Officer, District- Patna.
5. The Zila Parishad, District Patna through its Chief Executive Officer.
6. Kumari Stuti, Wife of Ravindra Kumar, Resident of village 80 Kandap, Sampatchak, P.S.-Gaurichak, District-Patna, Adhyaksh, Zila Parishad, District-Patna, Patna.
7. The Up-Adhyaksha, Zila Parishad, District- Patna, Patna, namely Asha Devi, wife of not known, resident of village and P.O. -Anandpur, P.S.- Bihta District- Patna, Bihar- 801103.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav Kumar, Advocate Ms. Shrishti Singh, Advocate
For Zila Parishad	:	Mr. Sunil Kumar Thakur, Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3
For respondent no. 7	:	Mr. Ashok Kumar Choudhary, Sr. Advocate Mr. Akshansh Ankit, Advoate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-01-2024 Heard Mr. Y.V. Giri, learned senior counsel assisted by Mr. Pranav Kumar, and Ms. Shrishti Singh, learned counsel appearing on behalf of the petitioner; Mr. Sunil Kumar Thakur, learned counsel appearing on behalf of the Zila Parishad; Mr. Saroj Kumar Sharma, learned AC to AAG-3 appearing on behalf of the State and Mr. Ashok Kumar Choudhary, learned senior



counsel assisted by Mr. Akshansh Ankit, learned counsel for the respondent no. 7.

2. Learned senior counsel appearing on behalf of the petitioner submits that matter requires to be adjudicated by the District Magistrate-cum-Collector, Patna, 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 70(v) of the Act, it would be in the interest of justice instead to call upon the members of the Zila Parishad by issuing notice and to avoid time taken in process of issuing notice, this Court finds it proper to direct the District Magistrate to ensure the presence of the Deputy Development Commissioner -cum- Chief Executive Officer, Zila Parishad, District Patna and all the members of the Zila Parishad to appear before him in person on 31.01.2024.

4. In case of failure by any of the elected members, the District Magistrate must resort to first enquire, as to whether, they have deliberately avoided to appear before him and in absence of any genuine cause, the District Magistrate must ensure to take appropriate action in accordance with law against



the concerned elected members of Zila Parishad.

5. The special meeting dated 29.01.2024 shall lose its operation till final decision is taken by the District Magistrate on or before 04.02.2024.

6. 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.

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

(Purnendu Singh, J)

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