

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2506 of 2024

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Doli Devi Wife of Sri Ranjeet Kumar Resident at Govind Bara, P.O. and P.S.-
Phinhara, District- East Champaran, Bihar- 845430.

... .. 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, East Champaran at Motihari.
4. The District Panchayat Raj Officer, East Champaran at Motihari.
5. The Block Development Officer-Cum-Executive Officer, Block- Phenhara Panchayat Samiti, East Champaran at Motihari.
6. Smt. Chandani Singh Wife of Sri Santosh Kumar Singh Resident of Village- Kalupakar, P.O.- Kalupakar, P.S.- Phenhara, District- Motihari, East Champaran.
7. Smt. Maya Devi Wife of Sri Kishori Sah Resident of Village- Rupauliy, P.O.- Kumharara, P.S.- Phenhara, District- East Champaran at Motihari.
8. Sri Sanjay Sahani Son of Late Munni Sehani Resident of Village- Khanpipra, P.O.- Mathurapur, P.S.- Phenhara, District- East Champaran at Motihari.
9. Sri Lakhindra Mahto Son of Late Ramekbal Mahto Resident of Village and P.O.- Mankarwa, P.S.- Phenhara, District- East Champaran at Motihari.
10. Sri Bablu Kumar Singh Son of Rajeshwar Prasad Singh Resident of Village and P.O.- Phenhara, P.S.- Phenhara, District- East Champaran at Motihari.
11. Sri Shiv Kumar Singh Son of Late Ramadhar Singh Resident of Village and P.O.- Ijor Bara, P.S.- Phenhara, District- East Champaran at Motihari.
12. Sri Radheshyam Singh Son of Late Raj Mangal Singh Resident of Village- Ibrahimpur Parsauni, P.O.- Ibrahimpur Parsauni, P.S.- Phenhara, District- East Champaran at Motihari.
13. Sri Sonu Ram Son of Late Laxman Ram Resident of Village and P.O.- Mathurapur, P.S.- Phenhara, District- East Champaran at Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Kaushik, Adv.
For the State	:	Mr. Kapilesh Prasad Yadav, G.P. 11
For the S.E.C.	:	Mr. Girish Pande, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-07-2024

Heard the parties.



2. The present writ petition has been filed for the following reliefs:-

“(i) for issuance of an order, direction or a writ of certiorari for quashing and setting aside the proceeding dated 18.01.2024 of Phenhara Panchayat Samiti in Block-Phenhara, District-East Champaran whereby and where under the no confidence motion against the petitioner (Up Pramukh) has been passed by 5:4 votes.

(ii) for issuance of an order, direction or a writ of mandamus for directing the respondent authorities specially the Executive Officer, Phenhara Panchayat Samiti to produce the ballot papers of the no confidence motion dated 18.01.2024 in relation to Phenhara Panchayat Samiti in the District of East Champaran and on perusal of the same, further be pleased to hold that one vote ought to have been declared invalid and thereafter declare that the no confidence motion brought against the petitioner (Up- Pramukh) had failed.

(iii) for issuance of an order, direction or



a writ of mandamus for reinstating the petitioner as Up-Pramukh of the Phenara Panchayat Samiti in the District of East Champaran in consequence of allowing the aforesaid reliefs.

(iv) for issuance of an order, direction or an appropriate writ for allowing the petitioner to function as Pramukh of Phenara Panchayat Samiti during the pendency of this writ petition.”

3. The grievance of the petitioner is that at the time of voting one of the members put the sign of + instead of x which is mandatory. He submits that he has materials to support the claim which includes the videography.

4. Learned counsel for the petitioner, however, concede that the election process is over and now only wants to get himself satisfied whether the votes polled against him were in a proper manner or not. He submits that he already represented before the District Magistrate, East Champaran at Motihari through e-mail on 20.01.2024.

5. Though counter-affidavit has been filed and the State respondent have denied the said contention, by way of rejoinder, the petitioner has again asserted the same point.

6. In that background, although there is no



rules/guidelines, only for the satisfaction of the petitioner now that he has preferred a representation and he further intends to prefer a fresh representation, let the respondent no. 3, the District Magistrate, East Champaran at Motihari look into the matter and do the needful.

7. The writ petition stands disposed of.

(Rajiv Roy, J)

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