

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1727 of 2024

Roshni Khatoon wife of Shekh Najimul Haque, Resident of village- Lalganj, P.O. Mahadevpur, P.S. Pranpur, District -Katihar, presently Pramukh of Block Panchayat Samiti, Pranpur, 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 Sub-Divisional Officer, Katihar Sadar, District- Katihar.
6. The Block Development Officer-cum- Executive Officer, Block Panchayat Samiti, Pranpur, District - Katihar.
7. The Block Panchayat Raj Officer, Pranpur, District - Katihar.
8. Krishna Mohan Sah son of Anandi Shah, Presently Up-Pramukh of Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District-Katihar.
9. Sunil Kumar Sharma Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
10. Sentu Kumar Ravidas Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
11. Babita Kumari Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
12. Masada Khatoon Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
13. Meera Devi Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
14. Anil Kumar Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
15. Rita Devi Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum-



Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.

- 16. Md. Harun Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
- 17. Md. Rafique Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
- 18. Munni Devi Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
- 19. Md. Azmal Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
- 20. Enamul Haque Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
- 21. Amit Kumar Gupta Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
- 22. Neetu Kumari Wife of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.
- 23. Fulram Mandal Son of not known to the petitioner, elected members of Block Panchayat Samiti, Pranpur through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Pranpur, P.O. and P.S. Pranpur, District - Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K.Manglam, Advocate
		Mr.Awnish Kumar, Advocate
For the Respondent/s	:	Mr.Government Pleader (25)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-01-2024 Heard the parties.

2. Leaned counsel appearing on behalf of the



petitioner submitted that in spite of the specific direction of this Court vide order dated 16.01.2024 passed in CWJC No.831 of 2024, the District Magistrate has not passed the reasoned order, rather he had coerced the petitioner to notify a date of special meeting of No Confidence Motion and the petitioner had fixed the date of special meeting of No Confidence Motion on 02.02.2024 and in this regard, he has made specific statements in paragraph nos.22, 23 and 24 of the writ petition.

3. Learned counsel appearing on behalf of the State submits that in absence of any record, the matter may be remanded back to the District Magistrate to comply with the order dated 16.01.2024 passed in CWJC No.831 of 2024.

4. Considering the rival submissions made on behalf of the parties, as well as, the specific allegation made by the petitioner in paragraph nos.22, 23 and 24, the District Magistrate is directed to comply with the direction contained in the order dated 16.01.2024 passed in CWJC No.831 of 2024 and he must not coerce the petitioner in any manner. The petitioner is also at liberty to take resort to law, if he has been coerced but in absence of any statement made in the writ petition, this Court refrains from passing any order or making any observation in that regard. The District Magistrate after



passing the reasoned order requires to request the petitioner to fix a date for special meeting in accordance with the provision of Section 44 of the Bihar Panchyat Raj Act, 2006. The voting is required to be conducted among the members, who are present on the day of special meeting in accordance with the law laid down by this Court in ***L.P.A. No. 113 of 2020 (Dharamsila Kumari vs. Hemant Kumar & Ors.)*** specially paragraphs no. 58 and 59 of the said judgment.

5. Considering the fact that petitioner has alleged that under coercion, she has fixed the date of special meeting of No Confidence Motion on 02.02.2024, the same is made inoperative.

6. The writ petition is disposed of.

7. Since the order has been passed in the open Court, learned counsel for the State is directed to communicate this order to all the state respondents for the needful without waiting for the order to be pronounced.

(Purnendu Singh, J)

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