

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1728 of 2024

Ganesh Paswan son of Rambhajan Paswan, Resident of village-Riga, Tole-Majhaura, P.O. and P.S. Riga, District -Sitamarhi, presently Up-Pramukh of Block Panchayat Samiti, Riga, District - Sitamarhi.

... .. 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, District - Sitamarhi, Sitamarhi.
4. The District Panchayat Raj Officer, Sitamarhi, District - Sitamarhi.
5. The Block Development Officer-cum- Executive Officer, Block Panchayat Samiti, Riga District - Sitamarhi.
6. Laxmi Prasad Yadav Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
7. Santosh Paswan Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
8. Sangeeta Devi Wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
9. Shamila Khatoon Wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
10. Arun Kumar Singh Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
11. Khusboo Kumari Wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
12. Umesh Sah Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
13. Madhuri Kumari Wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer



- cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
14. Anoj Kumar Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 15. Kiran Devi Wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 16. Nirmala Devi Wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 17. Raj Kumar Rai Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 18. Krishna Yadav Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 19. Kaneeja Khatoon wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 20. Ajay Rai Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 21. Rajesh Rai Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 22. Dinesh Sah Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 23. Rakesh Kumar Singh Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 24. Banarsi Devi Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
 25. Sunita Devi wife of not known to the petitioner elected members of Block



Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.

26. Madhu Sinha Son of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.
27. Savita Kumari Wife of not known to the petitioner elected members of Block Panchayat Samiti, Riga through the Block Development Officer -cum- Executive Officer, Block Panchayat Samiti, Riga , P.O. and P.S. Riga District - Sitamarhi.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Advocate
For the Respondent/s : Mr.Government Pleader (27)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-01-2024 Heard the parties.

2. Learned counsel appearing on behalf of the petitioner submits that matter requires to be adjudicated by the District Magistrate-cum-Collector, Sitamarhi in exercise of power under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act'), as the date of special meeting for No Confidence Motion has been fixed on 31.01.2024 in complete violation of procedure prescribed under Section 44 (3)(i) of the Act.

3. Considering the grievance of the petitioner, the presiding officer who convenes the special meeting on the date fixed must abide by the clarification made in paragraph no.58 and 59 of the *L.P.A. No. 113 of 2020 (Dharamsila Kumari vs.*



Hemant Kumar & Ors.) and proceed to announce the result on the basis of the members who participates in the special meeting without taking the plea that the meeting was not attended by one third members of the Panchayat Samiti. Considering the fact that already date for special meeting has been fixed on 31.01.2024, the requisitionists or members of the Panchayat, as the case may be, may fix a date of special meeting well within two days and communicate the same through the Block Development Officer-cum-Executive Officer to all the elected members of the Panchayat Samiti for holding the meeting on the date, so fixed in accordance with Section 44 of the Act.

4. The elected members who present themselves tomorrow (31.01.2024), the date fixed for special meeting, must request either the Pramukh or Up-Pramukh, or in case, they fail to do so, then in accordance with the manner prescribed under Section 44(A) of the Act, special meeting of No Confidence Motion is required to be fixed and communicated to the Block Development Officer-cum-Executive Officer, so that he may communicate the date of special meeting, so fixed to all the elected members of the Panchayat Samiti.

5. The special meeting informed to be not in accordance with the provision of Section 44 of the Act cannot



be made operative in view of the observation made hereinabove.

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)

Niraj/-

U			
---	--	--	--

