

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2328 of 2024

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Nisha Kumari Wife of Shishupal Kumar Resident of Village- Sumaka, P.O.-
Amrapura, P.S.- Chandi, District- Nalanda at Biharsharif.

... .. 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, Nalanda at Biharsharif, District- Nalanda at Biharsharif.
4. The District Panchayat Raj Officer, Nalanda at Biharsharif, District- Nalanda at Biharsharif.
5. The Sub-Divisional Officer, Hilsa, District- Nalanda at Biharsharif.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi District- Nalanda at Biharsharif.
7. The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
8. The Secretary, The State Election Commission (Panchayat), Sone Bhawan, Birchand Patel Path, Patna.
9. Kiran Devi Wife of not known to the Petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
10. Pushpa Devi wife of not known to the Petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
11. Anju Devi Wife of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
12. Pinku Devi wife of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
13. Nutan Kumari wife of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
14. Mina Devi wife of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.



15. Bunni Devi wife of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
16. Reshmi Kumari wife of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
17. Manti Devi wife of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
18. Gita Devi wife of not known to the Petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
19. Pinki Devi wife of not known to the Petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
20. Daya Shankar Kumar Son of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
21. Rajnandan Paswan son of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
22. Kamlesh Kumar son of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
23. Kumar Sanu son of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
24. Anil Kumar son of not known to the petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
25. Gautam Kumar son of not known to the Petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi, District- Nalanda at Biharsharif.
26. Manish Kumar son of not known to the Petitioner Elected Member of Block Panchayat Samiti, Chandi through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Chandi, P.O. and P.S.- Chandi,



District- Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Awnish Kumar, Advocate
For the Respondent/s : Mr.Raj Kishore Roy, GP 18

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 13-02-2024 Heard Mr. Awnish Kumar, learned counsel appearing on behalf of the petitioner and Mr. Raj Kishore Roy, GP No.18 for the respondents/state.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner seeks to avail remedy under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter to be referred as the 'Act') before the District Magistrate, Nalanda at Biharsharif, for the relief(s) as prayed for in the present writ petition.

3. Considering the limited relief(s) as sought for by the petitioners, the District Magistrate, Nalanda at Biharsharif, is directed to call for the records relating to the Panchayat Samiti of concerned Block and fix a date within two days after communication of this order for the attendance of Pramukh, Up-pramukh and all the members of the Panchayat Samiti and seek their signature in his own presence and thereafter, he may fix a date for providing opportunity of hearing to the affected parties and decide the matter considering the charges as contained in



the requisition. If he finds that there is violation of manner, as prescribed under Section 44 of the Bihar Panchayat Raj Act, 2006 and same requires interference in any manner with respect to calling of 'No Confidence Motion', which has been fixed on 15.02.2024, the District Magistrate after providing opportunity of hearing may pass a speaking order strictly in accordance with law.

4. The special meeting dated 15.02.2024 shall lose its operation till final decision is taken by the District Magistrate.

5. As the order has been passed in the open Court, learned counsel for the State has ensured that he will immediately communicate the District Magistrate, Nalanda at Biharsharif, by both the means, fax, as well as, by telephonic communication, even before the order is pronounced.

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

(Purnendu Singh, J)

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