

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1936 of 2024

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Shagufta Nazni Wife of Md. Naiyer Azam Warsi, Resident of village-
Raghopur, P.S.- Minapur District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The District Panchayat Raj Officer, Muzaffarpur District - Muzaffarpur.
4. The Sub Divisional Officer, Muzaffarpur District Muzaffarpur.
5. Executive Officer, District - Muzaffarpur.
6. District Development Commissioner, Muzaffarpur.
7. The Block Development Officer- Cum -Executive Officer, Minapur, District- Muzaffarpur.
8. Up-Pramukh Namely Chinta Devi, Panchayat Samiti member of Chhetra No. 06, Block- Minapur, District- Muzaffarpur.
9. Rahul Kumar, Panchayat Samiti Member of Chhetra no 39., Block- Minapur, District- Muzaffarpur.
10. Menru Sahni, Panchayat Samiti member of Chhetra No. 22, Block- Minapur, District - Muzaffarpur.
11. Rakesh Ram, Panchayat Samiti member of Chhetra No. 05, Block- Minapur, District - Muzaffarpur.
12. Laddu Ram, Panchayat Samiti member of Chhetra no. 32, Block- Minapur, District - Muzaffarpur.
13. Radhika Devi, Panchayat Samiti member of Chhetra no. 40, Block- Minapur, District - Muzaffarpur.
14. Rina Rani, Panchayat Samiti member of Chhetra No. 12, Block- Minapur, District- Muzaffarpur.
15. Vinita Devi, Panchayat Samiti member Parasmani of Chhetra no. 02, Block- Minapur, District- Muzaffarpur.
16. Jahani Begam, Panchayat Samiti member of Chhetra No. 34, Block- Minapur, District - Muzaffarpur
17. Sima Devi, Panchayat Samiti member of Chhetra No. 04, Block - Minapur,



District - Muzaffarpur.

18. Rina Devi, Panchayat Samiti member of Chhetra no. 08, Block- Minapur, District - Muzaffarpur.
19. Manju Devi, Panchayat Samiti member of Chhetra no. 17, block- Minapur, District - Muzaffarpur.
20. Lilavati Devi, Panchayat Samiti member of Chhetra no. 26, Block- Minapur, District- Muzaffarpur.
21. Pinki Devi, Member of Chhetra no. 07, Block- Minapur, District- Muzaffarpur.
22. Indu Devi, Panchayat Samiti member of Chhetra no. 30, Block- Minapur, District- Muzaffarpur.
23. Anju Devi, Panchayat Samiti member of Chhetra No. 21, Block Minapur, District- Muzaffarpur.
24. Rita Devi, Panchayat Samiti member of Chherta No. 14. Block, Minapur, District- Muzaffarpur.
25. Amit Kumar, Panchayat Samiti member of Chhetra no. 01, Block- Minapur, District- Muzaffarpur.
26. Banarsi Devi, Panchayat Samiti member of Chhetra No. 23, Block Minapur, District- Muzaffarpur.
27. Birendra Kumar, Panchayat Samiti member of Chhetra no. 13, Block- Minapur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dr. Bipin Chandra, Advocate
For the Respondent/s : Mr. Nasrul Hoda Khan, SC 1
Mr. Md. Harun Quareshi, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 13-02-2024

Heard Mr. (Dr.) Bipin Chandra, learned counsel
appearing on behalf of the petitioner; Mr. Nasrul Hoda Khan,
learned SC 1 and Mr. Md. Harun Quareshi, learned AC to SC 1.

2. Learned counsel appearing on behalf of the
petitioner submits that mandate of Section 44(3)(v) and (vi) of
the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as



“the Act”) was not acted upon by the Presiding Officer in accordance with the said provision and the petitioner has filed a representation before the District Magistrate, Muzaffarpur and he wants to pursue remedy before him.

3. It is well settled law that in respect of deliberation of “No Confidence Motion” in the House with respect to which the petitioner has raised question involving interpretation of the mandate of Section Section 44(3)(v)(vi) of Bihar Panchayat Raj Act, 2006 and Article 243 of the Constitution of India can only be interpreted by the Hon’ble High Court under Article 226 of the Constitution of India. In this regard, it is gainful to rely on the law laid down by the Apex Court in the case of **Pardip Port Trust Vs. Sales Tax Officers & Ors.** reported in (1998) 4 SCC 90.

4. Considering the fact that the petitioner has not been able to bring on record the proceeding of the special meeting of “No Confidence Motion”, which was held on 18.01.2024 and also considering the fact that the election for the post of Pramukh has been notified to be held on 23.02.2024, this Court don’t find any reason to interfere in any manner.

5. The writ petition is disposed of.

6. Since the order has been passed in the open



Court, learned counsel appearing on behalf of the State is directed to communicate this order to all the respondents for the needful.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.02.2024
Transmission Date	NA

