

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2331 of 2024

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Surya Pratap Singh S/o Dhanraj Singh, R/o village- Shobhi Dumra, P.S. - Ara
Muffasil, Dist - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Dept., Govt. of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The Executive Officer cum Block Development Officer, Ara Sadar.
5. The District Panchayat Officer, Bhojpur at Ara.
6. The Block Panchayat Raj Officer, Piro, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Raghwendra Kumar, SC-22
		Mr. Vikramadit, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-02-2024 Heard Mr. Manoj Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Raghwendra Kumar, learned

SC-22 along with Mr. Vikramadit, learned AC to SC-22 for the

State.

2. The petitioner has filed the writ petition for
following relief(s):

*“ That the present writ petition is being filed
for issuance of appropriate writ/writs, order/orders,
direction/directions to the Authority concerned on the
basis of gazette which has been issued on 10/11/2023
and direction has been given vide order no. 142/2023-24
by District Magistrate, Bhojpur at Ara vide memo no.
3469 and the said order has been sent to all Block
Panchayat Raj Officer; all BDO cum Executive Officer
and other concerned officers with direction to all Block
Panchayat Raj Officer to handed over the charge to
Block Development Officer to act as Executive Officer of
Panchayat Samiti but the said Block Panchayat Raj*



Officer, Ara Mufassil has not comply the direction of District Magistrate, Bhojpur at Ara and he has passed the order on 30/12/2023 on which day he was not in power to function as Executive Officer. So your lordship may pass appropriate order according to law.”

3. The petitioner is aggrieved by the manner in which the Block Panchayat Raj Officer has exceeded his jurisdiction by showing his complete ignorance to the amendment brought on 9th November, 2023 which was came into effect from the date of Gazette Notification dated 10.11.2023.

4. Learned counsel appearing on behalf of the petitioner submits that he has filed representation for the relief(s) as prayed for in the present writ petition before the District Magistrate, Bhojpur at Ara.

5. This Court finds that deliberate action on the part of the Block Panchayat Raj Officer entail appropriate disciplinary action after giving due opportunity of hearing to him, who has apparently exceeded his jurisdiction in the present case, without authority of law.

6. The Block Panchayat Raj Officer, to justify his action, may be given opportunity to explain under what circumstances, he had resorted to act in defiance of the Gazette Notification dated 10.11.2023. The Block Development Office was vacant and jurisdiction exceeded by the Panchayati Raj Department in this regard with respect to the Block concerned in



absence of any notification is highly improper.

7. I have perused the Gazette Notification No. 3403 notified on 9th November, 2023 contained in ‘Annexure-1’ to the writ petition, by which, Section 60 of the Bihar Panchayat Raj Act, 2006 has been amended and the power of Executive Officer has been directed to be vested in the Block Development Officer of the Gram Panchayat.

8. The District Magistrate, Bhojpur at Ara, is directed to dispose of the representation of the petitioner in accordance with law.

9. With aforesaid observations and directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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