

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2460 of 2024

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Anil Singh son of Wakil Singh, Resident of Village-Baradhi, Post-Chhotaka Amaw, Police Station-Chand, District-Kaimur (Bhabhua), at present Pramukh, Block Chand, Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, The Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Kaimur, Bhabhua.
3. The District Panchayati Raj Officer, Kaimur, Bhabhua.
4. The Sub Divisional Officer, Bhabhua, Kaimur.
5. The Block Panchayati Raj Officer, Chand, Kaimur.
6. The Block Development Officer, Chand, Kaimur.
7. Satish Singh, son of Late Tosile Singh, Resident of Village-Begghara, P.S.-Chand, District-Kaimur, at present Member Panchayat-Samittee-Grampanchayat, Padhi-2, Kaimur.
8. Vijay Kumar, son of Nathuni Mallah, Resident of Village-Biuri, P.S.-Chand, District-Kaimur, at present Panchayati Samittee Member, Gram Panchayat-Biuri, Kaimur.
9. Jag Narayan Ram, son of Rupa Ram, Resident of Village-Bhoruhiya, P.S.-Chand, District-Kaimur, at present Member Panchayati Samittee, Gram Panchayati Sirhira-2, Kaimur.
10. dinesh Prasad Bind, son of Ramji Bind, Resident of Village-E.C. Now, P.S.-Chand, District-Kaimur, at present Member Panchayati Samittee, Gram Panchayat Lodharn, Kaimur.
11. Daru Singh, son of Vijay Bahadur Singh, Resident of Village-Ailay, P.S.-Chand, District-Kaimur, at present Panchayat Samiti, Gram Panchayat Sirhira-2, Chand, Kaimur.
12. Chandan Kumar, son of Ranapratap Singh, Resident of Village-Baghaila, P.S.-Chand, District-Kaimur, at present Member Panchayat Samittee, Panchayat Chand, Kaimur.
13. Sangeeta Devi, Wife of Mahendra Sah, Resident of Village-Goi, P.S.-Chand, District-Kaimur, the Member Panchayat Samiti, Gram Panchayat Goi, P.S.-Chand, Kaimur.
14. Jeera Devi, wife of Satyanarayan Bind, Resident of Village-Kuddi, P.S.-Chand, District-Kaimur, Member Panchayat Samittee, Gram Panchayat Kuddi, P.S.-Chand, District-Kaimur.
15. Amina Bibi, wife of Sobarafi Miya, Resident of Village-Saukhara, P.S.-Chand, District-Kaimur, Member Panchayat Samittee, Gram Panchayat Saukhara.
16. Rani Kumari, wife of Akhilesh Ram, Resident of Village-Dhedawa, P.S.-Chand, District-Kaimur, Member Panchayat Samittee, Gram Panchayat



Bharari Kala, P.S.-Chand, District-Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Respondent/s : Mr.Government Pleader 27

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-02-2024 Heard Mr. Dhaneshwar Prasad Gupta, learned
counsel appearing on behalf of the petitioner and Government
Pleader 27 for the respondent/s.

2. Petitioner is aggrieved by Letter No. 14 dated
27.01.2024 contained in ‘Annexure-P/3’, which is contrary to
the provision of Section 44(3)(i) of the Bihar Panchayat Raj Act,
2006 (hereinafter referred to as the “Act, 2006”) and seeks to
file detailed representation before the District Magistrate,
Kaimur at Bhabua.

3. Learned counsel appearing on behalf of the
petitioner submits that matter requires to be adjudicated by the
District Magistrate-cum-Collector, Kaimur at Bhabua, in
exercise of power under Section 157 of the Bihar Panchayat Raj
Act, 2006 (hereinafter referred to as the ‘Act’).

4. Considering the limited relief(s) as sought for by
the petitioner, the District Magistrate, Kaimur at Bhabua, is
directed to call for the records relating to the Panchayat Samiti
of concerned Block and seek the attendance of Pramukh, Up-



pramukh and all the members of the Panchayat Samiti within two days 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 that there is violation of procedure prescribed under Section 44 (3) (i) of the Bihar Panchayat Raj Act, 2006 and in case he finds that the same requires interference in manner the calling of 'No Confidence Motion', on 10.02.2024, then in that case, the District Magistrate after providing opportunity of hearing to all the affected parties may pass a speaking order strictly in accordance with law within one week from the date of attendance filed by all the members. Thereafter, may direct for holding of special meeting of 'No Confidence Motion' to be duly convened in accordance with the provision of Section 44(3) (i) of the Act, 2006. The District Magistrate is directed to follow the clarification made by the Division Bench of this Court in ***L.P.A. No. 113 of 2020 (Dharamsila Kumari vs. Hemant Kumar & Ors.)*** specially in paragraphs no. 58 and 59 of the said judgment for conducting voting amongst the elected members by the presiding officer, who are found to be present on the date fixed for special meeting of 'No Confidence Motion' in accordance with the provision of Section 44 of the Act, 2006.



5. In case of failure by any of the member, the District Magistrate must resort to first enquire, as to whether, he has deliberately avoided to appear before him is for any genuine cause. If it is deliberate, the District Magistrate must ensure to take appropriate action in accordance with law against the concerned member of Panchayat Samiti.

6. Accordingly, the present 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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