

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2428 of 2024

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1. Rima Devi wife of Satyendra Mehta, Resident of village and Post Office Bichhiaon, Police Station - Sandesh, District - Bhojpur.
 2. Atul Ranjan Anand, son of Late Nand Kishor Upadhyay, Resident of Village and Post Office - Ramashand, Police Station - Sandesh, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate-cum-District Election Officer, Bhojpur.
4. The District Panchayati Raj Officer, Ara.
5. The Block Development Officer-cum-Executive Officer, Block Sandesh, Panchayat Samiti- Sandesh, Bhojpur, District - Ara.
6. The State Election Commission through the Secretary, 3rd Floor, Sone Bhawan, Daroga Rai Path, R Block Chauraha, Beer Chand Patel Path, Patna, Bihar (800001).
7. The Secretary, State Election Commission through the Secretary, 3rd Floor, Sone Bhawan, Daroga Rai Path, R Block Chauraha, Beer Chand Patel Path, Patna, Bihar (800001).
8. Madhu Devi Wife of Gobind Chaubey, Resident of Village - Bartiyar, Post Office- Kori, Police Station - Sandesh, District - Bhojpur (802164).
9. Dharmendra Kumar Ram, son of Fakira Ram, Resident of Village and Post Office Kori, Police Station - Sandesh, District - Bhojpur (802164).
10. Anni Kumari, Wife of Ankit Kumar, Resident of Village - Khandal, Post Office- Phuludi, Police Station Sandesh, District Bhojpur (802164).
11. Mina Devi, Wife of Sree Bhagwan Prasad, Resident of Village - Rampur, Post Office- Pandura Rampur, Police Station - Sandesh, District - Bhojpur (802164).
12. Geeta Devi Wife of Raju Kumar Yadav, Resident of Village - Trithkaul, Post Office and Police Station - Sandesh, District - Bhojpur (802164).



13. Lakhmina Devi, Wife of Sudhir Kumar, Resident of Village - Akhgaon, Post Office-Akhgaon, Police Station Sandesh, District - Bhojpur (802164).
14. Usha Devi Wife of Gajendra Singh, (Female), Age about 71 years, Resident of Village - Kakandihra, Post Office- Maniyach, Police Station - Sandesh, District Bhojpur (802164).
15. Nitu Kumari Wife of Ranbir Saw, Resident of Village - Ahpura (Ahaypura), Post Office and Police Station Sandesh, District - Bhojpur (802164).
16. Mithlesh Kumar Yadav son of Jayram Singh, Resident of Village - Ramnagar Tola (Baga), Post Office- Baga, Police Station-Azimabad, District - Bhojpur (802164).
17. Nilam Devi, Wife of Sanjay Singh, Resident of Village - Nasrathpur, Post Office- Nasrathpur, Police Station - Sandesh, District - Bhojpur (802164).
18. Mana Devi, Wife of Lalbabu Paswan, Resident of Village, Post Office and Police Station - Sandesh, District - Bhojpur (802164).
19. Raju Yadav, Son of Jagarnnath Yadav, Resident of Village - Narayanpur, Post Office- Nasratpur, Police Station Sandesh, District - Bhojpur (802164).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Kaushik, Advocate
For the Respondent/s : Mr.Government Advocate 05

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

Date : 09-02-2024

Heard the parties.

2. The contention of the petitioners is that the petitioners had approached this Court in CWJC No.915 of 2014 in which vide order dated 16.01.2024, the District Magistrate was directed to give proper opportunity of hearing to all the affected parties and to find out that there is any violation in fixing the date of special meeting on 18.01.2024. The District



Magistrate in compliance of the order of this Court, has passed a reasoned order contained in memo no.235 dated 24.01.2024 in which after providing opportunity of hearing to all the elected members including the petitioner, the representation of the petitioners was dismissed in exercise of power under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as “the Act”).

3. The petitioner is aggrieved that the requisitionists fixed the date of meeting on 12.02.2024. The petitioners submit that the same has to be conducted in the manner prescribed in the case of **Dharmasila Kumari Vs. Hemant Kumar & Ors. (LPA No.113 of 2020)**, specially in compliance with the paragraph nos.58 and 59 of the said judgment.

4. It is made clear that petitioners are aware of the fact that requisition has been moved by 9 requisitionists and petitioners having not fixed the date of meeting in accordance with the provision of Section 44(3) of the Act, now he cannot take a U-turn to take a plea that he was not given an opportunity to fix the date of special meeting once the reasoned order was passed against him by the District Magistrate on his petition. In the case of **Smt. Samshad Khatun Vs. the State of Bihar & Ors., reported in 2010(1)PLJR 929**, this Court has already



held that once the party has waived off his right , he cannot take a summersalt and take a plea that he was denied the opportunity of fixing the date of special meeting. The Presiding Officer must ensure to declare the result following the democratic process.

5. In the present case the special meeting of “No Confidence Motion” is to be convened on 12.02.2024, the petitioners may participate in the meeting on the fixed date.

6. The writ petition is, accordingly, disposed of.

7. 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	09.02.2024
Transmission Date	NA

