

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2378 of 2024

Sarita Soni Wife of Ranjit Kumar Sah, Resident of village- Mithan Sarai,
Post- Mustafapur, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through The Addditional 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, Kanti, District - Muzaffarpur.
8. Pramukh Namely Kripa Shankar Sahi, Panchayat Samiti member of Chhetra No. 15, Block- Kanti, District- Muzaffarpur.
9. Smt. Anamika Chaudhary, Wife of Chunnu Chaudhary, Panchayat Samiti Member of Chhetra no. 22, Block - Kanti, District - Muzaffarpur.
10. Sri Arun Kumar Srivastva, Son of Late Prasad, Panchayat Samiti Member of Chhetra no. 23, Block - Kanti, District - Muzaffarpur.
11. Smt. Khushbu Kumari, wife of Ravi Kumar, Panchayat Samiti Member of Chhetra No. 20 , Block - Kanti, District - Muzaffarpur.
12. Sri Sunil Paswan, Son of Late Kishori Paswan, Panchayat Samiti Member of Chhetra No. 28, Block - Kanti, District - Muzaffarpur.
13. Smt. Nutan Gupta, wife of Guddu Kumar, Panchayat Samiti Member of Chhetra No. 27, Block - Kanti, District - Muzaffarpur.
14. Smt. Anjani Devi, Wife of Rajiv Kumar, Panchayat Samiti Member of Chhetra No. 25, Block - Kanti, District - Muzaffarpur.
15. Sri Ganesh Sah, Son of Garib Nath Sah, Panchayat Samiti Member of Chhetra No. 16, Block - Kanti, District - Muzaffarpur.
16. Smt. Pinki Devi, Wife of Anil Kumar Singh, Panchayat Samiti Member of Chhetra No. 08, Block - Kanti, District - Muzaffarpur.
17. Sri Rajesh Kumar Bharti, Son of Lal Babu Paswan, Panchayat Samiti Member of Chhetra No. 09, Block - Kanti, District - Muzaffarpur.
18. Smt. Mintu Devi, Wife of Kaushal Kumar Dubey, Panchayat Samiti Member of Chhetra No. 14, Block - Kanti, District - Muzaffarpur.
19. Smt. Indu Devi, Wife of Nawal Kishor Thakur, Panchayat Samiti Member of Chhetra No. 10, Block - Kanti, District - Muzaffarpur.
20. Anshu Pandey, Son of Sri Randhir Kumar Pandey, Panchayat Samiti



Member of Chhetra No.4 , Block - Kanti, District - Muzaffarpur.

21. Md. Kalam, Son of Md. Ganni, Panchayat Samiti Member of Chhetra No. 21 , Block - Kanti, District - Muzaffarpur.
22. Smt. Priyanka Kumari, Wife of Vivek Kumar, Panchayat Samiti Member of Chhetra No. 19, Block - Kanti, District - Muzaffarpur.
23. Smt. Urmila Kumari, Wife of Shivji Ram, Panchayat Samiti Member of Chhetra No. 18, Block - Kanti, District - Muzaffarpur.
24. Prakash Ranjan, Son of Makeshar Pandey, Panchayat Samiti Member of Chhetra No. 06, Block - Kanti, District - Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate
For the Respondent/s : Mr. Madhusudan Rai, AC to SC-23

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 09-02-2024 Heard Dr. Bipin Chandra, learned counsel appearing

on behalf of the petitioner and Mr. Madhusudan Rai, learned AC

to SC-23 for the State.

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

“(i) For quashing the order dated 31.01.2024 passed by the District Magistrate, Muzaffarpur (Respondent no. 2) in Miscellaneous appeal case no. 05/2024 whereby and where under he directed to executive officer-cum-block Development Officer, Kanti to call for fixed date to Special meeting for discussion on no confidence motion against the Up-Pramukh without consideration of objection raised by the petitioner in his representation dated 20.01.2024. (Annexure-P-5)

(ii) For quashing of the requisition dated 18.01.2024 submitted before respondent 7 by the favorable Panchayat Samiti member of the Pramukh for holding meeting of no Confidence motion.

(iii) For grant of stay of the any proceeding of no confidence motion against Up-Pramukh Kanti (petitioner), District Muzaffarpur; During pendency of this writ application.

(iv) For a direction to the respondent authorities concern to enquire into the motion alleged to have been moved by some of the Panchayat Samiti member res and if it is found to be not in accordance with law and has been filed with vested interest then reject the motion and take necessary against the members concern in accord accordance with law



(v) For other relief/reliefs for which the petitioner would be found entitled under the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner only seeks that the special meeting of ‘No Confidence Motion’ must be carried out in accordance with the principle laid down in the judgment of the Division Bench of this Court Passed in ***L.P.A. No. 113 of 2020 (Dharamsila Kumari vs. Hemant Kumar & Ors.)*** specially paragraphs no. 58 and 59 of the said judgment.

4. *Per contra*, learned counsel appearing on behalf of the State submits that vide order dated 25.01.2024 passed in CWJC No. 1430 of 2024, a direction was given to the District Magistrate to proceed on the basis of allegations made by all the requisitionists and has already directed to convene special meeting of ‘No Confidence Motion’ in accordance with law.

5. Considering the aforesaid submission made on behalf of the parties, the District Magistrate is directed to follow the clarification made by the Division Bench of this Court in ***Dharamsila Kumari (supra)*** 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.

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

(Purnendu Singh, J)

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