

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3030 of 2024

Akhilesh Kumar alias Akhilesh Yadav son of Rajnath Yadav, resident of Village Kaitha Lodipur, Lodipur, Police Station Kurtha and District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
3. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Vikas Bhawan, Bailey Road, Patna.
4. The Collector-cum-District Magistrate, District- Arwal.
5. The District Panchayat Raj Officer, Arwal.
6. The Block Development Officer cum Executive Officer, Block Panchayat Samiti, Kurtha, Block Kurtha, Police Station Kurtha, District- Arwal.
7. Ruby Kumari, wife of Baijnath Das @ Kranti Kumar, Member, Panchayat Samiti, Nadaur Panchayat, Area No. 10. Block- Kurtha, Police Station - Kurtha, District- Arwal.
8. Nagendra Ram, Late Ram Prasad Ram, Member, Panchayat Samiti, Ahamdpur Harna Panchayat, Area No. 15, Block- Kurtha, Police Station Kurtha, District- Arwal.
9. Ganesh Yadav, Ramdeep Yadav, Member, Panchayat Samiti, Manikpur Dakshin Bhag- 02, Panchayat, Area No. 12, Block- Kurtha, Police Station - Kurtha, District- Arwal.
10. Tasnim Praveen, Wife of Mahtab Alam, Member, Panchayat Samiti, Kodamrai Panchayat, Area No. 4, Block- Kurtha, Police Station- Kurtha, District- Arwal.
11. Radha Devi Wife of Vijay Kumar Vidyarthi, Member, Panchayat Samiti, Pinjrawa Panchayat, Area no.- 3, Block- Kurtha, Police Station Kurtha, District- Arwal.
12. Shama Parween, wife of Md. Pravej Alam, Member, Panchayat Samiti, Dhamaul Panchayat, Area No. 2, Block- Kurtha, Police Station Kurtha, District- Arwal.
13. Mahesh Yadav, son of Late Shiv Balak, Member Panchayat Samiti, Gram Panchayat Manikpur, Area No.11, Block- Kurtha, Police Station Kurtha, District- Arwal.
14. Ram Nath Paswan, son of Lal Mohan Paswan, Member Panchayat Samiti, Ibrahimpur Panchayat, Area No.1, Block- Kurtha, Police Station - Kurtha, District- Arwal.
15. Akhilesh Yadav, son of Late Raj Nath Yadav, Member Panchayat Samiti, Gram Panchayat Nidhwa, Area No.14, Block- Kurtha, Police Station - Kurtha, District- Arwal.



- 16. Sanju Devi, wife of Abhay Kumar, Member Panchayat Samiti, Gram Panchayat Sachai, Area No.9, Block- Kurtha, Police Station- Kurtha, District- Arwal.
- 17. Rinki Kumari, Wife of Amresh Kumar Member Panchayat Samiti, Gram Panchayat Kodmrai, Area No.- 05, Block- Kurtha, Police Station- Kurtha, District- Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Avinash Chandra, Advocate
For the Respondent/s : Mr. Ajay Bihari Sinha, G.A.-8
Mr. Suryakant Kumar, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-07-2024 Heard the parties.

2. The petitioner has prayed for the following reliefs:

(i) for quashing of proceedings of the special meeting for no-confidence motion held on 30.01.2024 on the basis of an illegal and invalid requisition of no-confidence motion issued under signature of respondent no. 7 to 12 and submitted in the office of Executive Officer- Cum- Block Development Officer, Kurtha, Arwal on 03.01.2024 without any clear and specific charges against the petitioner and without following section 44 of Bihar Panchayati Raj Act, 2006;



(ii) during pendency of this writ petition, the respondent be directed to not act upon the proceedings of the special meeting for no-confidence motion held on 30.01.2024 and not to proceed further to convene meeting of the Block Panchayat Samiti, Kurtha for election of new Pramukh and Up-Pramukh;

(iii) for direction to the respondent authorities to follow section 44 of Bihar Panchayati Raj Act, 2006 which laid down the law related to no-confidence motion;

(iv) for a declaration that requisition for no confidence motion is illegal in the teeth of judgment and order passed by this Hon'ble Court reported in 2006 (1) PLJR 129;

(v) for any other relief/reliefs, direction/directions, or order/orders which are found admissible during the



course of arguments.

3. Learned State Counsel at the outset submits that lots of water has flown down the Ganges inasmuch as pursuant to the removal to the petitioner as Up-Pramukh, Kurtha (Arwal), new incumbent has come. He further submits that neither the fresh election has been challenged by way of interlocutory application nor the concerned person, Devendra Kumar is in the list of respondents.

4. Learned counsel for the petitioner concurs to that and submits in view of the fresh election, now this writ application has become infructuous and he shall be taking further steps after getting instruction from the petitioner.

5. Taking into account the aforesaid submissions put forward by the parties particularly when the no interlocutory application has been filed challenging fresh election of Devendra Kumar, as stated above, as Up-Pramukh, he is not even in the list of party respondent, the writ petition is bereft of merit and accepting the words of the parties that it has become infructuous, the writ petition is disposed of.

(Rajiv Roy, J)

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