

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2779 of 2024

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Rina Devi Wife of Naresh Kumar Singh Resident of Vilalge-Jalvan, P.O. Ghagrah, P.S. Madanpur, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Panchayati Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The Block Development Officer, Madanpur Block, P.O. and P.S. Madanpur, District-Aurangabad (Bihar).
4. Smt. Sony Devi Wife of Pankaj Singh Chandrawanshi, at Present Pramukh of Madanpur Block, Panchayat Samiti Village- Mohan Bigha, P.O. Chainy P.S. Salaiya District-Aurangabad (Bihar).
5. Asmita Kumari Wife of Uday Kumar Ydav at Present Up-pramukh of Madanpur Block, Resident of Village-Pir Bigha, P.S. Salaiya, District -Aurangabad (Bihar).
6. Biru Kumar Son of Satyanarayan Chandrawanshi Resident of Village-Uchauli, P.O. Palakiya, P.S. Madanpur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.1.
7. Sony Devi Wife of Nand Kihor Chaudhary Chamotha P.O. War, P.S. Madanpur, District-Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.2.
8. Manju Devi Wife of Baban Rajak Resident of Village-Ratanpura P.O. War P.S. Madanpur, District -Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.3.
9. Anand Sharma Son of Ramdev Mistri, Resident of Village and P.O. Dadhapi, P.S. Madanpur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.4.
10. Sunaina Kumari Wife of Harendra Paswan Resident of Village and P.O. Manika, P.S. Madanpur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.5.
11. Rinku Devi Wife of Rameshwar Ram Resident of Village Pem, P.O. Goda Dehri, P.S. Madanpur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.6.
12. Sushma Devi Wife of Krishnadeo Singh Resident of Village and P.O. Neema Anjan, P.S. Madanpur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.7.
13. Dhanu Bhuiyan Son of Jharu Bhuiyan Resident of Village Koilwa P.O. Neema Ajan, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.09
14. Umesh Yadav Son of Ram Ratan Yadav Resident of Village-Kusha P.O. Hazipur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.10.



15. Babita Devi Wife of Sanjeev Singh Resident of Baniya P.O. Nagmatiya, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.11.
16. Rina Devi Wife of Kundan Kuamr Singh Resident of Nego Bigha, P.O. Gardih, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.12.
17. Asha Devi Wife of Raj Kumar Choudhary Resident of Village-Sadosaray, P.O. Parsa District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.14.
18. Manju Devi Wife of Sujit Rajak Resident of Village and P.O. Salaiya, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.16.
19. Metri Devi Wife of Mano Bhuiya Resident of Village-Pauthan Bigha, P.O. Pirwan, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.17.
20. Upendra Yadav Son of Janardan Yadav Resident of Village-Jodgi P.O. Jogdi, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.18.
21. Md. Safik Alam Ansari Son of Md. Abdul Kalam Resident of Village- P.O. Khiriyawan, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.19.
22. Soni Kumari Wife of Ramendra Kumar Singh Resident of Village-Ghorhat P.O. Madanpur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.20.
23. Abhinav Kumar Son of Ramesh Kumar Resident of Village and P.O. Biri, P.S. Salaiya, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.21.
24. Nikhat Praveen Wife of Md. Amanullah @ Kallu Resident of Village-Dhashwat Khap. P.O. Madanpur, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.22.
25. Smt. Kanti Devi Wife of Bindeshwar Choudhary Resident of Village-Manjretni, P.O. Umga, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.23.
26. Praveen Kumar Son of Sakaldip Paswan Resident of Village-Tardih, P.O. Umga, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.24.
27. Suniti Kumari Wife of Vijay Kumar Yadav Resident of Village-Jamaniya P.O. Umga, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.25.
28. Ram Parvesh Bhuiyan Son of Rampati Bhuiyan Resident of Village-Jamaniya, P.O. Umga, District Aurangabad (Bihar) Member of Panchayat Samiti of Badanpur Block Constituency No.26.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajnish Ranjan, Advocate



For the Respondent/s : Mr. Sarvesh Kr. Singh, AAG 13
Mr. Arya Achini, AC to AAG13

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-07-2024 Heard the parties.

2. The present petition has been filed for the following
reliefs:

(i) for quashing of the letter No. 119 and 144 dated 06.02.2024 issued by Block Development officer Cum Executive Officer, Panchayat Samiti Madanpur calling the Special Meeting of No confidence Motion against the Pramukh and Up Pramukh without mentioning the date of requisition in the order dated 06.02.2024 contrary to provision of rule 44(3) of the Bihar Panchayat Raj Act 2006;

(ii) for holding entire proceeding of no confidence motion ab-initio void in the eyes of law proposal by such members who were not present mentioned Physically and as no date has been initial of the requisition in anywhere on the record;

(iii) for a direction to the respondent authority concerns to endure in to the requisition of no confidence motion alleged to have been moved by some of Panchayat Samiti member, planted by Pramukh and Up-Pramukh to frustrate the



aim and object of democracy and rule 44 (3) of Bihar Panchayat Raj Act 2006;

(iv) for a direction to the respondent authority concern to cancel the entire proceeding of the no confidence Motion as requisition has not been given by the genuine members of Panchayat Found Samiti with date and as such if it is first to be not in accordance with provision of section 44(3) of Bihar Panchayat Raj Act and has been brought with vested interest then refuse the no motion certificate and take necessary action against guilty members and Officers who are indulge in the corrupt activity in calling of no confidence Motion proceeding.

3. A comprehensive counter affidavit has been filed on behalf of the respondents.

4. After some argument, learned counsel for the petitioner prays for withdrawal of the petition with liberty to seek remedy elsewhere.

5. The writ petition stands disposed of with the aforesaid liberty.

(Rajiv Roy, J)

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