

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3015 of 2024

Rakesh Kumar Verma @ Rakesh Kumar Shrivastawa S/o Late Babban Prasad, Resident of Village - Nautan Balua, P.S. - Nautan, District - West Champaran. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Additional Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
4. The Director, Department of Panchayati Raj, Government of Bihar, Patna.
5. The Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
6. The Collector-cum-District Magistrate, West Champaran at Bettiah.
7. The District Panchayat Raj Officer, Bettiah, West Champaran.
8. The Sub-Divisional Officer, Bettiah Sadar, Bettiah, West Champaran.
9. The Executive Officer, Panchayat Samiti, Nautan Block- cum-Block Development Officer, Nautan, District - West Champaran.
10. The District Welfare Officer, Bettiah, West Champaran.
11. Krishnadeo Chaudhary, S/o Kashi Chaudhary, Resident of Village - Purandarpur, Block and P.S. - Nautan, District - West Champaran (The Pramukh, Nautan Block, Bettiah, West Champaran).
12. Usha Devi, W/o Krishnadeo Chaudhary, Resident of Village - Purandarpur, Block and P.S. - Nautan, District - West Champaran.
13. Lilawati Devi, W/o Rajesh Kumar, Resident of Village - Jainagar, Block and P.S. - Nautan, District - West Champaran.
14. Uma Devi, W/o Pramod Paswan, Resident of Village- Sopwa Tola, Block and P.S.- Nautan, District - West Champaran.
15. Rita Devi, W/o Parmeshwar Sah, Resident of Village- Katchahari Tola, Dhumnagar, Block and P.S. - Nautan, District - West Champaran.
16. Maonorma Devi, W/o Raju Singh, Resident of Village- Dubauliya, Block and P.S. - Nautan, District - West Champaran.
17. Sabana Khatoon, W/o Manan Miyan, Resident of Village - Uchawa Khap, Block and P.S. - Nautan, District - West Champaran.
18. Yogendra Yadav, S/o Late Ganesh Yadav, Resident of village- Khap Tola, Dakshin Telua, Block and P.S. - Nautan, District - West Champaran.
19. Bablu Ram, S/o Late Deu Ram, Resident of Village - Bahuarwa, Jamuniya, Block and P.S.- Nautan, District - West Champaran.
20. Teju Sahni, S/o Balli Sahni, Resident of village - Malahi Tola, Block - Nautan, P.S. - Jagdishpur, District- West Champaran.
21. Malik Singh, S/o Ramchandra Singh, Resident of Village - Bhagwanpur, Block and P.S. - Nautan, District - West Champaran.
22. Alakhdeo Ram, S/o Late Jai Ram, Resident of Village - Dabariya Tola, Block and P.S. - Nautan, District - West Champaran.
23. Rupesh Kumar Singh, S/o Prabhu Singh, Resident of Village- Dakshin Telua, Block and P.S. - Nautan, District - West Champaran.



24. Ranjan Kumar Yadav, S/o Yogendra Yadav, Resident of Village- Mangalpur Kala, Block and P.S. - Nautan, District - West Champaran.
 25. Manoj Yadav, S/o Munni Yadav, Resident of Village - Shyampur Kotraha, Laxmi Yadav Ke Tola, Block and P.S. - Nautan, District - West Champaran.
 26. Badari Yadav, S/o Hiranman Yadav, Resident of Village- Uttar Telua, Block and P.S. - Nautan, District - West Champaran.
 27. Afsar Hussain, S/o Late Sheikh Nazir, Resident of village- Shekhauna Tola, P.S. - Jagdishpur, Block - Nautan, District - West Champaran.
 28. Fulsahiban Khatoon, W/o Mannan Ansari, Resident of Village- Sheikh Toli, Block and P.S.- Nautan, District - West Champaran.
 29. Prabhawati Devi, W/o Nathu Yadav, Resident of Village- Gahiri Total, Block and P.S. - Nautan, District - West Champaran.
 30. Shajada Kaatoon, W/o Alamgir Miyan, Resident of Village - Sihuliya Bardahan, Block and P.S. - Nautan, District - West Champaran.
 31. Nazma Khatoon, W/o Nazrul Alam, Resident of Village- Damka Tola, Shivrajpur, Block and P.S. - Nautan, District- West Champaran.
 32. Aslam Ansari, S/o Late Ali Hussain, Resident of Village - Jhakhara, Block and P.S - Nautan, District - West Champaran.
 33. Zubaida Khatoon, W/o Majhar Hussain, Resident of village - Hardi Patti, Pakadia, Block and P.S. - Nautan, District- West Champaran.
 34. Neha Khatoon, W/o Hasmuddin Miyan, Resident of Village - Churiharwa Tola, Khadda, Block and P.S. - Nautan, District - West Champaran.
 35. Bihar State Election Commission through its Secretary, Son Bhawan, Patna.
- Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar, Advocate
For the Respondent/s	:	Mr.Ravi Ranjan, Advocate Mr.Girish Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-02-2024 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioner and Mr.Ravi Ranjan along with Mr. Girish Pandey, learned counsels for the State..

2. Learned counsel appearing on behalf of the petitioner submits that matter requires to be adjudicated by the District Magistrate-cum-Collector, West Champaran at Bettiah,



in exercise of power under Section 157 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the 'Act').

3. Considering the limited relief(s) as sought for by the petitioner, the District Magistrate, West Champaran at Bettiah, 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 20.02.2024, 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.

4. 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.

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

6. 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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