

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3681 of 2024

Vinay Singh @ Vinay Kumar Singh son of Late Ramji Singh, Resident of Village- Kamasara, P.S- Daraunda, District- Siwan, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Sub Divisional Officer, Maharajganj, District- Siwan.
5. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Daraunda, District- Siwan.
6. Suman Devi, wife of Santosh Singh, Resident of Village- Pasiwarh, P.O.- Rajapur, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
7. Reena Devi, wife of Ravindra Singh, Resident of village- Karsaut, P.S.- Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
8. Bhagrati Devi, wife of Dilip Manjhi, Resident of Village- Pakwaliya, PS. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
9. Sushanti Devi, wife of Om Prakash Yadav, Resident of Village and P.O.- Machhauta, P.S.-Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
10. Vikash Kumar, son of Rajendra Sah, Resident of Village- Govindapur, P.O. Pakwaliya, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
11. Guriya Singh, wife of Umesh Kumar Singh, District- Siwan Resident of Village- Ramsapur (Lopar), P.O. Ramsapur, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
12. Laxman Kumar Ram, son of Gauri Shankar Ram, Resident of Village- Milki Madhwapur, P.O Harsar, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
13. Mantu Prasad, son of Keshwar Prasad, Resident of Village- Sirsaw, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer,



Daraunda, Block Panchayat Samiti, District- Siwan.

14. Sandip Kumar Mahto, son of Gorakh Mahto, Resident of Village-Kauthua, Sarangpur, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
15. Amit Kumar, son of Surendra Prasad, Resident of Village- Fatehpur, P.O. Vishunpura, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
16. Prabha Devi, wife of Ranjan Singh, Resident of Village- Rukundipur, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
17. Pappu Ram, son of Ram Sringar Ram, Resident of Village- Rukundipur, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
18. Usha Kumari Devi, wife of Sunil Kumar Resident of Village Bal Bangra Tola, Ramchandarpur, P.O.- Maharajganj, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
19. Hareesh Yadav, son of Lalan Yadav, Resident of Village- Bhikhabandh, P.O. B Satjora, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
20. Sanju Singh, wife of Prabhunath Singh, Resident of Village- Ramgarha, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
21. Babita Devi, wife of Manoj Singh, Resident of Village- Satjora, P.O.- B. Satjora, P.S.- Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
22. Asgar Ali, son of Gul Miyan, Resident of Village- Sadsara, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
23. Kiran Devi, wife of Mantu Kumar Tiwari, Resident of village Korari Khurd, P.O.- Daraunda, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
24. Sabita Devi, wife of Sanjay Mahto, Resident of Village- Usti, P.O.- Chandparsa, P.S.- Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
25. Amit Kumar Singh, son of Shambhunath Singh, Resident of Village



- Bagaura, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
26. Ajay Kumar Yadav, son of Virendra Yadav Resident of Bagaura, P.S. Daraunda, District-Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
27. Dhanita Devi, wife of Satyendra Sah, Resident of Village- Jalalpur, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum- Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.
28. Pratima Devi, wife of Manish Kumar Yadav, Resident of Village Pandeypur, P.O. Chanchaura, P.S. Daraunda, District- Siwan, elected member of Block Panchayat Samiti, Daraunda, through Block Development Officer-cum-Executive Officer, Daraunda, Block Panchayat Samiti, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Ashok Kumar Dubey, AC to AAG-11
For the Res no. 11	:	Mr. Y.V. Giri, Sr. Advocate Mr. Pranav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-07-2024 Heard Mr. Bindhyachal Singh, learned Senior Counsel duly assisted for the petitioner and Mr. Pranav Kumar, learned counsel for the respondent no. 11 as also Mr. Ashok Kumar Dubey, learned AC to AAG-11.

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

(i) for issuance of an appropriate writ in the nature of certiorari or any other appropriate writ for quashing of the order contained in memo no. 06 dated



12.02.2024 issued under the signature of District Magistrate, Siwan pursuant to the order passed by the Hon'ble High Court on 19.01.2024 in CWJC No. 1149 of 2024 (Vinay Singh alias Vinay Kumar Singh Vrs. The State of Bihar and others) whereby the District Magistrate did not find any procedural irregularities in the process of bringing no confidence motion as per the provisions of the Bihar Panchayat Raj Act, 2006 and therefore no confidence motion may be subjected to voting process in the Schedule Meeting through the said finding of the District Magistrate is completely inconsistent to the order passed by this Hon'ble Court. It is further directed by the District Magistrate, Siwan that the Executive Officer-cum- Block Development Officer, Daraunda would request the Prakhanda Pramukh /Up-pramukh to fix a date to convene a special meeting to consider the proposal of no confidence in view of the second 44 (3) (i) of the Bihar Panchayat Raj Act 2006 (hereinafter referred to as Act only). In case of the failure of the Pramukh to fix the date either Up-



Pramukh or 1/3rd of the elected members of the Panchayat Samittee would fix the date for the same special meeting The Sub-divisional Officer, Maharajganj is directed to be present in the aforesaid special meeting as District Level Representative to keep vigilance of the proceeding of the aforesaid meeting and provide guidelines as per the needs;

(ii) for issuance of an appropriate writ in the nature of certiorari or any other writ for quashing of letter no, 70 dated 20.02.2024 issued under the signature of Executive Officer, Daraunda Panchayat Samittee whereby petitioner has been informed and requested to be present in the special meeting scheduled to be held at 11:00 A.M. on 29.02.2024 at the scheduled place to consider the proposal of no confidence against Pramukh and Up-pramukh in utter violation of the provisions of the act particularly section 44 (3) of the Act as well as the direction of the District Magistrate whereby the Pramukh is authorized to fixed the date of special meeting and in case of the failure the said right can



be exercised by the Up-Pramukh or 1/3rd of the elected members of the Panchayat Samittee but from the perusal of the present aforesaid letter it appears that it does not reflect that the petitioner as a Pramukh/Up-pramukh has been requested to fixed the date of special meeting and in case of their failure the same has been fixed by the 1/3 of the elected members of the Panchayat Samittee rather it appears that the Executive Officer-cum- Block Development Officer himself has fixed unliterary the date for the special meeting in contravention of the mandate of the statute or the direction of the District Magistrate, Siwan;

(iii) for issuance of the an appropriate writ in the nature of certiorari or any other appropriate writ for quashing of the requisition for no confidence motion against the petitioner which is based on the ambiguous vague and frivolous allegations and consequently the Executive Officer in the notice dated 20.02.2024 has referred only those allegations as referred in the previous requisition in ultra violation of the



mandate of section 44 (3) (iv) of the Act;

(iv) for issuance of an appropriate writ in the nature of mandamus or any other appropriate writ order/direction for restraining the respondents to convey a special meeting on 29.02.2024 pursuant to the impugned letter no. 70 dated 20.02.2024 issued by the Executive Officer Dauranda Panchayat Samittee;

(v) for holding that the Executive Officer. Dauranda Panchayat Samittee is neither being authorized by the District Magistrate nor competent under the provisions of the Act to fix a date of the special meeting to consider the proposal of the no confidence motion against the Pramukh/ Up Pramukh as the said prerogative is vested and inherent in Pramukh and in case of his failure the 1/3rd of the elected members of the Panchayat Samittee as it is settled that if a statute prescribed a manner for a think to be done, it has to be done in that manner and not otherwise.

3. After some argument, learned counsel for the



petitioner submits that now when the election process has been completed, a new in-cumbent has taken the chair, he may be given liberty to agitate the matter with all the required documents.

4. Granting said liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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