

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3956 of 2024

Shambhu Kumar Sahu S/o-Ram Chandra Sahu Resident of Village and Post
-Sisodih P.S.-Mabbi O.P. Sadar Darbhanga, District-Darbhangha, Presently
Pramukh of Block Panchayat Samiti, Darbhanga Sadar, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Darbhanga, District-Darbhangha.
4. The District Panchayat Raj Officer, Darbhanga, District-Darbhangha.
5. The Sub-Divisional Officer, Darbhanga, District-Darbhangha.
6. The Block Development Officer-Cum-Executive Officer-Cum-Executive Officer, Block Panchayat Samiti Sadar Darbhanga, District-Darbhangha.
7. The Block Panchayat Raj Officer, Darbhanga, District-Darbhangha.
8. The State Election Commission, through the Secretary, 3rd Floor Sone Bhawan Patna.
9. Rakesh Kumar Raushan Son of not Known to the Petitioner, Presently Up-Pramukh of Block Panchayat Samiti Darbhanga Sadar, P.O.-Kabir Chak, P.S.-Sadar, District-Darbhangha. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
10. Poonam devi Wife of Not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
11. Tabrej Alam Son of Not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
12. Priya Sinha Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
13. Uday Kumar Sahni Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
14. Nushrat Praveen Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.



15. Pappu Kumar Paswan Son of Not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
16. Aasha Devi Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
17. Dinesh Yadav Son of Not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
18. Seema Devi Wife of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
19. Kaushal Kumar Son of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
20. Aarti Kumari Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
21. Kanchan Devi Wife of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
22. Manju Devi Wife of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
23. Shelo Devi Wife of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
24. Sita Ram Yadav Son of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
25. Keshri Yadav Son of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
26. Raushan Kumar Chaudhary not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti



Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.

27. Sudhir Kumar Sinha Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
28. Mosima Khatoon Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
29. Raj Kumar Paswan Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
30. Raju Paswan Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
31. Md. Irfan Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
32. Akthar Durrani Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
33. Ummati Begum Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
34. Firdaus Khatoon Wife of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
35. Runa Devi Wife of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
36. Nikhat Khatoon Wife of not Known to the Petitioner. the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
37. Sabana Khatoon Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhanga.
38. Nasreen Praveen Wife of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block



Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.

39. Lalbhadur Paswan Son of not Known to Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
40. Shila Devi Wife of Not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.
41. Radhe Shayam Paswan Son of not Known to the Petitioner the Elected Members of Block Panchayat Samiti Darbhanga Sadar through the Block Development officer-Cum-Executive Officer Block Panchayat Samiti Samiti Darbhanga Sadar, P.O.-Kabirchak, P.S.-Sadar, District-Darbhangha.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Adv
For the State	:	Mr. Amit Prakash, G.A.-13
For the S.E.C.	:	Mr. Ravi Ranjan with Mr. Girish Pandey, Advocates

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2024 Heard Mr. S.B.K. Manglam, learned counsel for the petitioner, learned counsel for the State and learned counsel for the State Election Commission.

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

“(i) for quashing the requisition dated 04.01.2024(Annexure-P-2) signed by 20 elected members of Darbhanga Sadar Block Panchayat Samiti and addressed to the petitioner as well as Respondent no.6 but directly submitted in the office of Respondent no.6 on 04.01.2024 whereby and where under the members of the Block Panchayat Samiti had made a request from the petitioner to fix



the date of Special Meeting of the Block Panchayat Samiti for consideration of their No Confidence Motion against the petitioner.

(ii) for quashing the notice dated 11.01.2024 issued under the signature of the Respondent no.6 and contained in his letter no.53 dated 11.01.2024 (Annexure-P3&3/1) whereby and where under the Respondent no.6 has been pleased to request the elected members of Block Panchayat Samiti, Darbhanga Sadar to attend the special meeting of Block Panchayat Samiti convened on 18.01.2024.

(iii) for quashing the resolution passed and decision taken there under in the meeting of the Block Panchayat Samiti, Darbhanga Sadar which was held on 18.01.2024 (Annexure-P-4) in which the No- Confidence motion against the petitioner has been passed.

(iv) for quashing the memo no.483 dated 09.02.2024 issued by the Respondent no.8 fixing/notifying the date of a fresh election for the post of pramukh of Block Panchayat Samiti, Darbhanga Sadar on 27.02.2024 and consequential notice issued by the respondent no.5 (Annexure-P-5&6).”

3. From perusal of the writ petition, it appears that the notice and subsequent letter issued were challenged by which a fresh election of Pramukh of Block Panchayat Samiti, Darbhanga Sadar to be held on 27.02.2024 (Annexure-P/6),



prayer was made to set aside.

4. Learned State counsel has filed counter affidavit on behalf of respondent nos. 3 to 7 and submits that on 27.02.2024 election took place and one Uday Kumar Sahni, respondent no. 13 has been elected as Pramukh. It is the joint contention of the both the State counsel and also the State Election Commission that the said election of respondent no. 13 has not been challenged by this petition. In that background, the present writ petition has now become infructuous and is fit to be dismissed.

5. Mr. S.B.K. Manglam, learned counsel for the petitioner submits that he will be exploring options and as such liberty be granted.

6. Liberty will be always with the petitioner to take the matter further and/or explore the possibility of challenging the orders that has come.

7. The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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