

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5309 of 2024

Gayatree Devi Wife of Sri Vijendra Kumar Resident of Village- Kopa, P.O.- Singhara, P.S.- Dulhin Bazar, District- Patna at present elected as Prakhanda Up-Pramukh Panchayat Samiti Dulhin Bazar, Block- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, 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 District Panchayat Raj Officer, District- Patna.
5. The District Panchayat Raj Officer, District- Patna.
6. The Block Panchayat Raj Officer-cum-Executive Officer, Block Panchayat Samiti, Dulhin Bazar, Block- Dulhin Bazar, District- Patna.
7. The Block Development Officer, Block- Dulhin Bazar, District- Patna.
8. Smt. Rekha Devi W/o Santosh Kumar Resident of Village- Rakasia, P.S.- Dulhin Bazar, District- Patna at present elected as Panchayat Samiti Member of Gram Panchayat Raj Achhua Rakasia, Block- Dulhin Bazar, P.S.- Dulhin Bazar, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Kumar, Advocate
For the Respondent/s : Mr. Government Pleader (27)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2024

Heard the parties.

2. The present petition has been filed for issuance of an appropriate writ/ writs, order/ orders, direction/ directions directing the respondent concerned to take appropriate action/action(s) for cancellation of membership of private respondent no. 8 for violating the statutory provisions as contained in Section 47 of the Bihar Panchayat Raj Act, 2006



because the private respondent no. 8 has been continuously absent from four consecutive meetings i.e. meeting no. 1, 2, 3 and 4 convened by the Panchayat Samiti Dulhin Bazar on dated 28-02-2022, 23-12-2022, 09-01-2023 and 06-05-2023 respectively and she has not been discharging her duties properly further for issuance of any other appropriate writ/writs, order/orders, direction/directions for which the present petitioner would be found entitled in the facts and circumstances of the case.

3. Learned State Counsel has taken this Court to Section 44(5) of the Bihar Panchayat Raj Act, 2006 (henceforth for short, 'the Act') which read as follows:

'(5) A Pramukh or Up-Pramukh removed from his office under sub-section (4) may also be removed by the Government from membership of the Panchayat Samiti.'

4. He submits that in view of the aforesaid provision, a Lok Prahari has been instituted for the removal of Member of Panchayat Samiti and as such, the writ petition is not maintainable.

5. A counter affidavit on behalf of the respondent no. 2 in paragraph 8 also echoes the submissions put forward by the learned State Counsel.



6. In that background, learned counsel for the petitioner submits that he will be approaching the Lok Prahari alongwith all the relevant documents for the redressal of her grievance.

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

8. It is made clear that this Court has not made any comment on the merit of the case.

(Rajiv Roy, J)

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