

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6093 of 2024

1. Sunita Devi Wife of Suresh Paswan Resident of Village - Pipra, P.O.- Majhariya, P.S.- Chabutarwa, District - West Champaran at Bettiah, the elected member of Block Panchayat Samiti, Bagha - 1, District - West Champaran at Bettiah.
2. Sarvajeet Patel Son of Bikram Patel Resident of Village - Pipra Bhathahiya, P.O. Belwa Mod, P.S. Bathwariya, District- West Champaran at Bettiah, the elected member of Block Panchayat Samiti, Bagha-1, District - West Champaran at Bettiah.
3. Jaya Vardhan Mishra Son of Shankar Narayan Mishra Resident of Village and P.O. Manjhariya, P.S. Bhairoganj, District- West Champaran at Bettiah, the elected member of Block Panchayat Samiti, Bagha-1, District - West Champaran at Bettiah.
4. Jay Prakash YAdav Son of Prayag Yadav Resident of Village and P.O. Manjhariya, P.S. Bhairoganj, District- West Champaran at Bettiah, the elected member of Block Panchayat Samiti, Bagha-1, District - West Champaran at Bettiah.

... .. 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 Divisional Commissioner-cum-Lok Prahari, Tirhut Division, Muzaffarpur.
4. The District Magistrate, West Champaran at Bettiah, District - West Champaran at Bettiah.
5. The District Panchayat Raj Officer, West Champaran at Bettiah, District - West Champaran at Bettiah.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Bagaha - 1, District - West Champaran at Bettiah.
7. Smt. Chandrawati Devi Wife of Paras Baitha, Presently Pramukh of Block Panchayat Samiti, Bagaha - 1, District - West Champaran at Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awnish Kumar, Advocate
For the Respondent/s : Mr. Government Pleader 27

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2024

Heard Mr. SBK Mangalam, learned counsel for the



petitioners and the State.

2. The present writ petition has been preferred for the grant of following relief/s:-

“For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.3 to expedite the enquiry on the petitioners' complaint dated 16.03.2024 and submit his report to the Respondent no.2 for action against the Respondent no.7 under Section 44 (4) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act) since after her election as the Pramukh of Block Panchayat Samiti, Bagaha-1 ,the Respondent no.7 has not only failed to discharge her statutory duty rather he is also guilty of misappropriation of huge money of Panchayat Samiti by misusing her power under the Act.

(II) For a declaration that the provisions contained under Section 44 (4) of the Gram Panchayat Act is an emergency



provision for removal Up-Pramukh of a Block Panchayat of Pramukh and Samiti in the contingencies contemplated under Section 44 (4) of the Gram Panchayat Act and, therefore, any delay in disposal of petitioners' complaint before the Respondent no.3, a copy whereof has been given to Respondent no.2 also would frustrate the object of the said provision of the Act.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.2 to take all steps to expedite the action against the Respondent no.7 under Section 44 (4) of the Gram Panchayat Act for her removal from the post of Pramukh of Panchayat Samiti.

(IV) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioners would be found entitled under the facts and circumstances of the case.”



3. It has been submitted by Mr. Mangalam that despite a proper petition preferred on 16.03.2024 (Annexure P-4), the Lok Prahari-cum-Divisional Commissioner, Tirhut Division, Muzaffarpur has not taken any decision.

4. Learned State counsel submits that if such petition is there, it has to be taken to its logical conclusion.

5. Taking into account the fact that the petitioners have come with a limited prayer, to direct the respondent No. 3, The Divisional Commissioner-cum-Lok Prahari, Tirhut Division, Muzaffarpur to take a decision on the petition provided to its office duly stamped on 16.03.2024, the writ petition is disposed of directing the respondent No. 3 to take the matter to its logical conclusion in next three months after hearing all the necessary parties.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

