

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17067 of 2018

1. Anuja Sinha and Ors Wife of Sri Sudhanshu Shekhar, Resident of Village- Dayanagar, P.S. Belsand, District- Sitamarhi Bihar and at present Member of the Panchayat Samitee, Ward No. 10, Panchayat Raj Mahathi @ Chandauli, Block- Belsand, District- Sitamarhi Bihar.
2. Tulashi Ram, Son of Sri Jadhuni Ram, resident of Village- Sirsiyan, P.S.- Tariyani Chhapra, District- Sitamarhi and present the member of the Panchayat Samitee, Ward No. 01, Panchayat Raj Rupauli of Panchayat Samitee, Belsand Sitamarhi.
3. Ram Shwarup Das, Son of Shiv Das, resident of Village- Hasaur, P.S.- Tariyani Chhapra, District- Sitamarhi and present the member of the Panchayat Samitee, Ward No. 03, Panchayat Raj Kanshar of Panchayat Samitee, Belsand Sitamarhi.
4. Nashrin Pravin, Wife of Md. Shajeed, resident of Village- Chandauli, P.S.- Belsand, District- Sitamarhi and present the member of the Panchayat Samitee, Ward No. 05, Panchayat Raj Mahathi @ Chandauli of Panchayat Samitee, Belsand Sitamarhi.
5. Md. Shaukat Ali, Son of Md. Abdul Quddush, resident of Village- Maula Nagar, P.S.- Belsand, District- Sitamarhi and present the member of the Panchayat Samitee, Ward No. 011, Panchayat Raj Pachnaur of Panchayat Samitee, Belsand Sitamarhi.
6. Girija Devi, Wife of Sri Raja Ram Kumar, resident of Village- Ganeshpur, P.S.- Belsand, District- Sitamarhi and present the member of the Panchayat Samitee, Ward No. 12, Panchayat Raj Pachnaur of Panchayat Samitee, Belsand Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director, Panchayati Raj Govt. of Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Panchayati Raj Officer, Sitamarhi.
5. The Sub-Divisional Officer, Belsand District Sitamarhi.
6. The Block Development Officer cum Executive Officer, Panchayat Samitee- Belsand, Sitamarhi.
7. Sangita Devi, Wife of Sri Kaushal Kishor Singh, the member of Panchayat Samitee Ward No. 02 Panchayat Raj- Japharpur and preside the Meeting of the No Confidence dt. 27-07-2018 Resident of Village- Madhakaul, P.S.- Belsand, District- Sitamarhi.
8. Chanda Devi, Wife of Lakshmeshwar Singh, the member of Panchayat Samitee Ward No. 04 Panchayat Raj- Dumra -Nunaura and the Pramukh of the Panchayat Samitee, Belsand, District- Sitamarhi, Resident of Village- Dumra, P.S.- Belsand Sitamarhi.
9. Chanda Devi, Wife of Sri Munindra Kumar Verma, the member of



Panchayat Samitee Ward NO. 06, Panchayat Raj- Kanshar and the UP Pramukh of the Panchayat Samitee, Belsand, District- Sitamarhi, Resident of Village Pararahi, P.S.- Belsand Sitamarhi.

10. Rinku Devi, Wife of Sri Shambhu Ram, the member of Panchayat Samitee Ward NO. 07, Panchayat Raj- Patahi and the Panchayat Samitee, Belsand, District- Sitamarhi, Resident of Village Bhorhan Tole Gaush Nagar, P.S.- Belsand Sitamarhi.
11. Arvind Kumar, Son of Sri Radhe Sah, the member of Panchayat Samitee Ward NO. 08, Panchayat Raj- Bhandari and the Panchayat Samitee, Belsand, District- Sitamarhi, Resident of Village Bhandari, P.S.- Belsand Sitamarhi.
12. Sita Divi, Wife of Late Baldeo Sah, the member of Panchayat Samitee Ward NO. 09, Panchayat Raj- Lohasi and the Panchayat Samitee, Belsand, District- Sitamarhi, Resident of Village Lohasi, P.S.- Belsand Sitamarhi.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Tejendra Sinha, Advocate
For the Respondent/s : Mr. Kumar Alok- SC7

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 07-10-2024 Heard the parties.

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

“(i) For issuance of an appropriate Writ/Writs in the nature of Mandamus to quash and set-aside the Memo No.698, dated-27-07-2018 ed-27-07-201 issued by the respondent Block development Officer cum Executive Officer, Panchayat Samitee, Belsand by which a vote of No Confidence Motion against the Pramukh and Up Pramukh of the Belsand Panchayat samitee has been dropped without any voting against Section-46(7) of the Gram Panchayat Raj Act as well as Section-44(vii) on the request



of the petitioner and other, a special meeting was convened on 27-07-2018 in out of total 12th Members of Panchayat Samitee, 6 appeared and one member namely Md. Shaukat Ali the member of the Panchayat Samitee ward No.11 (Gram Panchayat Raj, Pachnaur), who previously informed to the Respondent B.D.O.at 12.40 p.m on his Mobile No. 9431818509 through Mob. No.9473006370 and request that being Mohammdan he has to perform NAMAJ and as such he would attend meeting 1,o'clock to 2,o'clock and after getting assurance of the Respondent B.D.O. after performing the religious custom he went to participate in special meeting within time at about 1.30 p.m. but before that meeting was over and vote of No-confidence motion dropped before that ignoring proposal No.-2 of the proceeding Register of the said special meeting in which it was consented by all presently members that discussion on vote of No-Confidence will be done between 1,0'clock to 2 p.m. but they without any discussion dropped the meeting at about 1.30 p.m. without waiting till fixed time 2.p.m.

(ii) For issuance of an appropriate Writs to direct the respondent to convene special meeting in the Guidance of the



District Magistrate, Sitamarhi for the vote of No Confidence Motion against Pramukh and Up Pramukh of Belsand Block, District-Sitamarhi as special meeting convened on 27-07-2018 is nonest in the eye of Law.

(iii) Further for issuance of an appropriate Writ or Writs commanding and directing upon the respondents to restrain the respondent No. 8 and 9 not to function as Pramukh and Up Pramukh of the Belsand Block till the disposal of instant Writ petition.

(iv) For any other relief/reliefs in the facts and Circumstances of this case may kindly consider.”

3. From the prayer itself it is clear that the matter has now become infructuous.

4. Accordingly, the present petition stands dismissed as infructuous.

(Rajiv Roy, J)

Adnan/-

U			
---	--	--	--

