

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9487 of 2024

=====

Satyendra Narayan Singh Son of Late Surya Narayan Singh, Resident of Village- Harpur Hardas, P.O.- Khoksa Buzurg, P.S.- Rajapakar, District- Vaishali, At Present- Up- Mukhiya, Gram Panchayat Raj Jafarpatti, Block and P.S.- Rajapakar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Vaishali at Hajipur.
4. The District Panchayat Raj Officer, Vaishali at Hajipur.
5. The Block Development Officer-cum-Executive Officer (Panchayat Samiti), Rajapakar, District- Vaishali at Hajipur.
6. The Panchayat Secretary, Rajapakar, District- Vaishali at Hajipur.
7. Sanjay Ram, Mukhiya, Gram Panchayat Raj- Jafarpatti, Block- Rajapakar, P.S.- Rajapakar, District Vaishali at Hajipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Ms. Renu Kumari, Advocate
For the Respondent/s : Mr. Government Pleader 2

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2024 Heard Ms. Renu Kumari, learned Counsel for the

petitioner and the State.

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

*(i) for issuance of a writ of
mandamus or any other appropriate writ/
writs, order/ orders, direction/ directions
commanding the concerned respondents to
take statutory action against Respondent
No.-7 under section 18(5) of the Bihar
Panchayat Raj Act, 2006 as Respondent No.-
7 was absconding for more than 6 months
being an accused in a criminal case and as*



such is required to be removed from his post by the competent authority;

(ii) for issuance of a writ of mandamus or any other appropriate writ/ writs, order/ orders, direction/ directions commanding the concerned respondents to consider the legal opinion of Government Advocate, Vaishali at Hajipur as contained in Letter No.-10 dated 06.02.2024 addressed to the District Panchayat Raj Officer, Vaishali wherein he opined that the action under section 18(5) may be taken against the Respondent No.-7 in the facts and circumstances of the case and further opined that the Hon'ble Patna High Court in Cr. Misc. No.- 79343/2023 has not stayed action under section 18(5) of the Panchayat Raj Act against petitioner;

(iii) for issuance of appropriate writ/ writs, order/ orders, direction/ directions commanding the concerned respondents to declare null and void any action taken by Respondent No.-7 after illegal reinstatement and ensure proper enquiry into such actions.

3. Learned Counsel for the petitioner submits that there is serious allegation of misappropriation of fund against the respondent no. 7 who is presently serving as Mukhiya of



Gram Panchayat Raj-Jafarpatti under Rajapakar Block in the District of Vaishali at Hajipur. She submits that the respondents are not acting in the matter.

4. After some argument, she submits that the petitioner will be approaching the appropriate authority/vigilance along with all the documents which shows misappropriation of funds so that an appropriate action is taken against him.

5. Additionally, she submits that the respondent no. 2, the Divisional Commissioner, Tirhut Division, Muzaffarpur will also be apprised of the fact along with the relevant documents.

6. Granting said liberty to the petitioner to approach the appropriate authority as he deems fit and proper, the writ petition stands disposed of.

7. Before parting, this Court would like to put on record its word of appreciation for Ms. Renu Kumari, learned counsel for the petitioner for proper assistance rendered in the matter.

(Rajiv Roy, J)

Neha/-

U			
---	--	--	--

