

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.634 of 2024
In
Civil Writ Jurisdiction Case No.9010 of 2024

1. Guddu Kumar, Son of Dinanath Prasad, Resident of Ward No. 8, Chakhusain, P.S.Khusrupur, District Patna, Bihar 803202, Presently Ward Councilors from Ward no. 7 of Nagar Panchayat Khusrupur, District - Patna.
2. Mintu Kumar, Son of Late Shardanand Prasad, Resident of Nimtal, near Mahavir Mandir, P.S. Khusrupur, District Patna, Bihar 803202, Presently Deputy Chief Councillor, of Nagar Panchayat Khusrupur, District - Patna.
3. Pratima Kumari, Wife of Sri Rakesh Kumar, Resident of Bhuski, PO and PS Khusrupur District Patna, Bihar 803202, Presently Ward Councillor fom Ward no. 10 of Nagar Panchayat Khusrupur, District - Patna.
4. Rekha Devi, Wife of Santosh Kumar @ Sheru, Resident of Miyantoli, Ward no.6, PS Khusrupur District Patna, Bihar 803202, Presently Ward Councillor from Ward no.6 of Nagar Panchayat, Khusrupur, District-Patna.
5. Manik Lal Prasad, Son of Late Mahendra Prasad, Ward no.3, Badi Sangat Chakchanda, PS Khusrupur District Patna, Bihar 803202, Presently Ward Councillor from Ward no.3 of Nagar Panchayat, Khusrupur, District-Patna.
6. Nazma Khatoon, Wife of Md. Hafiz, Resident of Miyantoli, PO and PS Khusrupur District Patna, Bihar 803202, Presently Ward Councillor from Ward no.5 of Nagar Panchayat, Khusrupur, District-Patna.
7. Suruchi Kumari, Wife of Gautam Kumar, Resident of Khusrupur, PS Khusrupur, District Patna, Bihar 803202, Presently Ward Councillor from Ward no.9 of Nagar Panchayat, Khusrupur, Distirct- Patna.
8. Vishal Kumar, Son of Om Prakash, Resident of Arya Samaj Road, Ward no.4, PS Khusrupur, Patna, Bihar 803202, Presently Ward Councillor from Ward no.4 of Nagar Panchayat, Khusrupur, Distirct- Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate -cum-District Election Officer (Municipality), Patna, District-Patna.
4. The Executive Officer, Nagar Panchayat, Khusrupur, P.O. and P.S. Khusrupur, District Patna.
5. Ranju Singh Wife of Sri Ravi Shankar Singh Resident of Ward No.2 or 3, Khusrupur, P.O. and P.S. Khusrupur, District Patna, Presently Chief Councilor, Nagar Panchayat, Khusrupur, District - Patna.
6. Ashok Kumar Son of Late Ramji Sao Elected Ward Councilors of Ward no.8, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.

... .. Respondent/s



with
Civil Writ Jurisdiction Case No. 9010 of 2024

Ranju Singh Wife of Sri Ravi Shankar Singh Resident of Ward No.2 or 3,
Khusrupur, P.O. and P.S. Khusrupur, District Patna, presently Chief
Councilor, Nagar Panchayat, Khusrupur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The District Magistrate -cum-District Election Officer (Municipality), Patna, District-Patna.
4. The Executive Officer, Nagar Panchayat, Khusrupur, P.O. and P.S. Khusrupur, District Patna.
5. Mintu Kumar Son of Late Shardanand Prasad Presently Deputy Chief Councilor, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
6. Ashok Kumar Son of Late Ramji Sao Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
7. Pratima Kumari Wife of Sri Rakesh Kumar Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
8. Rekha Devi Wife of Santosh Kumar @ Sheru Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
9. Guddu Kumar Son of Dinanath Prasad Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
10. Manik Lal Prasad Son of Late Mahendra Prasad Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
11. Nazma Khatoon Wife of Md. Hafiz Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
12. Suruchi Kumari Wife of Gautam Kumar Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
13. Vishal Kumar Son of Om Prakash Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
14. Mintu Kumar Son of Late Shardanand Prasad Elected Ward Councilors of Nagar Panchayat , Khusrupur through the Executive Officer, Nagar



Panchayat Khusrupur, P.O. and P.S. Khusrupur, District - Patna.
... .. Respondent/s

Appearance :
(In Letters Patent Appeal No. 634 of 2024)
For the Appellant/s : Mr. Amit Shrivastav, Sr. Advocate
Mr. Ranjeet Choubey, Advocate
For the State : Mr. Yogendra Pd. Sinha, AAG-7
For the Resp. No.4 : Mr. Alok Ranjan, Advocate
For the Pvt. Respondents: Mr. S.B.K. Mangalam, Advocate
Mr. Awanish, Advocate
(In Civil Writ Jurisdiction Case No. 9010 of 2024)
For the Petitioner/s : Mr. Amit Shrivastav, Sr. Advocate
For the State : Mr. Sunil Kumar Mandal, SC-3
Mr. Bipin Kumar, AC to SC-3
For the Resp. No.4 : Mr. Alok Ranjan, Advocate
For the Pvt. Respondents: Mr. S.B.K. Mangalam, Advocate
Mr. Awanish, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-07-2024

The order impugned in the above writ petition stays the convening of a special meeting of the Nagar Panchayat, Khusrupur, which was convened for consideration of a no-confidence motion. The ground raised by the writ petitioner against whom the no-confidence motion is moved, to seek stay of the meeting, which was convened by the requisitionists, was that the Chairman/Chief Councilor, did not receive notice. The learned Single Judge finding favour with the submission of the writ petitioner, stayed the meeting convened.

2. When an appeal was filed from the above order we peremptorily posted it for hearing, and the learned Counsel who



was appearing for the writ petitioner was also noticed. We also called for the writ petition since the issue only involved the convening of a special meeting.

3. We have heard Mr. Amit Shrivastava, learned Senior Counsel for the petitioner; Mr. Yogendra Pd. Sinha, learned AAG-7, Mr. Sunil Kumar Mandal, learned S.C.-3 for the State, Mr. S.B.K. Mangalam, learned Counsel for the private respondents; and Mr. Alok Ranjan, learned counsel for the Nagar Parishad.

4. The learned Counsel appearing for the Respondent No.5 submits that the Chief Councilor may be permitted to convene a meeting. We are not inclined, especially since the same submission could have been made before the learned single Judge. We see that the six Councilors out of the ten had submitted the requisition for moving a no-confidence motion before the Council. The Bihar Municipal No Confidence Motion Process Rules, 2010 prescribes that on receipt of notice, the Chief Councilor/the Deputy Chief Councilor should convene a special meeting within fifteen days of the date of issuance of the notice and seven days for decision for consideration of the no-confidence motion. As of now the Chief Councilor has received the no-confidence motion.



5. We do not think that there should be further delay in the matter, especially since a no-confidence motion has to be considered in the special meeting and the parties should abide by the decision taken.

6. In the circumstances, we are of the opinion that the special meeting should be convened immediately, which shall be convened at 11:00 a.m. on 19.07.2024.

7. In the appeal, we set aside the order of the learned Single Judge and we also close the writ petition.

8. The parties shall abide by the decision taken in the special meeting.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	15.07.2024
Transmission Date	

