

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15160 of 2024

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Kameshwar Singh son of Subhnarayan Singh Resident of village- Sewtapur,
Post- Sewtapur Police Station - Mairwan, District - Siwan.

... .. 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, Saran Division, Chapra-cum- Lok Prahari, Saran Division, Chapra.
4. The District Magistrate, Siwan, District Siwan.
5. The Block Development Officer, Mairwan, District Siwan.
6. Sri Birendra Bhagat, son of Late Jagganath Bhagat, Presently Pramukh of Block Panchayat Samiti, Mairwan, P.O. and P.S. Mairwan, District - Siwan.
7. Chanda Kumari, wife of Sri Ranjan Kumar Singh, Presently Up-Pramukh of Block Panchayat Samiti, Mairwan, P.O. and P.S. Mairwan, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Adv. Mr. S.B.K. Mangalam, Adv.
For the Respondent/s	:	Mr. Government Advocate 8

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-10-2024 Heard the parties.

2. The present writ petition has been preferred for the
following relief(s):

i) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent no.3 for holding an enquiry in respect of the complaint of the petitioner dated 03.09.2024 and submit his recommendation to Respondent no.2 for removal of Respondent



nos. 6 and 7 from the post of Pramukh and Up-Pramukh of Block Panchayat Samiti, Mairwan under Section 44 (4) of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act) on the ground that after their election as the Pramukh and Up-Pramukh of Mairwan Block Panchayat Samiti, the Respondent nos, 6 and 7 have not only willfully omitted to discharge their function under the Act, rather they are also guilty of misusing their power for their personal benefits.

(ii) For a declaration that if a complaint under Section 44 (4) of the Gram Panchayat Act is submitted before the Divisional Commissioner who has been authorized to perform the functions of Lok Prahari by the State Government under Section 152(5) of the Gram Panchayat Act, the Respondent no.3 is obliged to take immediate action on such complaint since any delay to take action would frustrate the entire object of the Act.

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

3. Mr. S.B.K. Mangalam submits that he has come



with the simple prayer, the petition which is pending before the respondent no. 3, the Divisional Commissioner, Saran Division Patna duly received in his office on 03.09.2024 be disposed of in accordance with law.

4. Learned State Counsel submits that if such petition is pending, the same will be taken to its logical conclusion. In that background, the writ petition stands disposed of with a direction to the respondent no. 3, the Divisional Commissioner, Saran Division-cum-Lok Prahari, Saran Division, Chapra to take the petition preferred by the petitioner on 03.09.2024 to its logical conclusion after putting all the necessary parties on notice expeditiously.

5. The writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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