

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19664 of 2018

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Babita Devi Wife of Sri Bachcha Singh, Resident of Village and P.O.- Parouli,
P.S. - Basantpur, District- Siwan, Ex- Pramukh of Block Panchayat Samiti,
Lakari Nabiganj, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate, Siwan, District- Siwan.
5. The Sub-Divisional Officer, Maharajganj, District- Siwan.
6. The Block Development Officer Lakari Nabiganj-cum-Executive Officer, Block Panchayat Samiti, Lakri,
7. Md. Ayub, Son of not known to the petitioner. Presently Up-Pramukh of Block Panchayat Samiti, Lakri Nabiganj, P.O. and P.S. Lakri Nabiganj, District- Siwan.
8. Priyanka Devi, Wife of not Known to the petitioner,
9. Sushila Devi, Wife of not Known to the petitioner,
10. Kanti Devi, Wife of not Known to the petitioner,
11. Manju Devi, Wife of not Known to the petitioner,
12. Noor Ahmad, Son of not known to the petitioner,
13. Ram Bachan Thakur, Son of not known to the petitioner,
14. Rita Devi, Wife of not known to the petitioner,
15. Chanda Devi, Son of not known to the petitioner,
16. Kalawati Devi, Wife of not Known to the petitioner,
17. Rita Devi, Wife of not Known to the petitioner,
18. Vijay Kumar Rawat, Son of not known to the petitioner.
19. Geeta Devi, Wife of not Known to the petitioner,
20. Usha Devi, Wife of not Known to the petitioner,
21. Sunil Kumar Singh, Son of not known to the petitioner.
22. Munni Bibi, Wife of not Known to the petitioner, Respondent nos 8 to 12 are the members of Block Panchayat Samiti, Lakri Nabiganj, through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Lakari Nabiganj, P.O. and P.S. Lakari Nabiganj, District- Siwan.
23. The State Election Commission Panchayat through the State Election Commissioner, Sone Bhawan, Birc

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar Mangalam, Adv.
For the Resp. No. 8 : Mr. Gajendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

7 30-09-2024 Heard the parties.

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

“i) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the requisition dated 13.07.2018 which was received in the office of Respondent no.6-on-28.07.2018 through which a request has been made from the petitioner to fix a date of special meeting on the ground that this requisition was also never placed before the petitioner by the requisitionists and they have practice fraud upon the Respondent no.6 by forwarding a copy of ante-dated requisition for fixing the date of special meeting;

ii) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the letter dated Nil of the requisitionists received in the office of Respondent no.6 on 23.08.2018 by which they had fixed the date of special meeting on 01.09.2018 on the ground that if vide her letter dated 09.08.2018, the petitioner had neither rejected their prayer nor she had



kept their requisition pending for her decision after the statutory period rather she had made certain queries from Respondent no.6 on 09.08.2018 where after the File was never returned back to the petitioner for her decision , the requisitionists would not get the jurisdiction to fix the date of special meeting and that too without presentation of their requisition before the writ petitioner in compliance of Sub-Section-3(i) of Section-44 of the Bihar Panchayat Raj Act, 2006 (hereinafter referred to as the Gram Panchayat Act);

iii) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the notice dated 24.08.2018 issued by the Respondent no.6 vide his letter no.844 dated 24.08.2018 informing the members of Panchayat Samiti to attend the special meeting on 01.09.2018 including the proceedings of special meeting dated 01.09.2018 in which motion of NO CONFIDENCE was passed against the petitioner and she has been removed from her post on the ground that if all exercises were done without complying the mandatory requirements of Sub-Section-3(i) of Section-44 of the Gram Panchayat Act, the removal of the petitioner from her post in an illegally convened special meeting cannot be



*sustained in the eye of law and is, therefore,
fit to be set aside;*

*iv) 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, learned counsel for the
petitioner submits that with the passage of time, it has become
infructuous.

4. The writ petition stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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