

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2220 of 2025

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Khusabu Kumari @ Khushabu Kumari W/O Rajesh Ranjan, resident of village Khajepur, Panchayat Belahiya, P.S. Tariyani, Distt. - Sheohar, presently a member of Panchayat Samiti, Belahiya, Area No. 08, P.S. - Tariyani, Distt. -Sheohar.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Sheohar.
2. The Additional Chief Secretary, Panchayat Raj Department, Govt. of Bihar at Patna.
3. The District Magistrate, Sheohar, Distt. Sheohar.
4. The Sub-Divisional Officer, Sheohar, Distt. - Sheohar.
5. The Executive Officer cum Block Development Officer, Tariyani, P.S. Tariyani, Distt. Sheohar.
6. Priti Singh, W/O Rahul Kumar Singh, Prakhanda Pramukh of Tariyani Block, Panchayat Sonbarsa, Area No.11 (Poorvi), resident of village - Aara, P.S. - Tariyani, Distt. - Sheohar.
7. Kumari Seema, W/O Hariom Kumar Yadav, Prakhanda Up-Pramukh of Tariyani Block, Panchayat Vrindavan Area No.12 (Paschimi), resident of village - Tulasi Nagar, P.S. - Tariyani, Distt. Sheohar.
8. Shikila Devi, W/O Akhilesh Kumar, member of Panchayat Samiti Hirauta Dumma, Area No.01 (Poorvi), resident of village - Dumma, P.S. - Hiramma, Distt. - Sheohar.
9. Pinku Kumari, W/O Prince Kumar, Member of Panchayat Samiti Hirauta Dumma, Area No.02 (Paschimi), resident of village Surhani, P.S. Hiramma, Distt. Sheohar.
10. Veena Devi, W/O Dinesh Singh, member of Panchayat Samiti Madhopur Chatta, Area No.03, resident of village Madhopur Chatta, P.S. Tariyani, Distt. Sheohar.
11. Gangaram Mahto, S/O Sokhi Mahto, member of Panchayat Samiti Salempur, Area No.04 (Poorvi), resident of village Kasturiya, P.S. Tariyani, Distt. - Sheohar.
12. Saimun Khatoon, W/O Md. Shabir Mansuri, member of Panchayat Samiti Salempur, Area No.05 (Paschimi), resident of village - Sumhuti, P.S. - Tariyani, Distt. - Sheohar.
13. Mithlesh Devi, W/O Vijay Paswan, member of Panchayat Samiti Surgahi, Area No.06, resident of village - Surhari, P.S. - Tariyani, Distt. - Sheohar.
14. Md. Monif, S/O Md. Khesari Miyan, member of Panchayat Samiti Khurpatti, Area No.07, resident of village - Khota, P.S. Tariyani, Distt. - Sheohar.
15. Quaresh Khatoon, W/O Md. Kulamuddin, member of Panchayat Samiti Pojhiyan, Area No.09, resident of village -Rampur, P.S. Tariyani, Distt. - Sheohar.



16. Fekan Ram, S/O Kahil Ram, member of Panchayat Samiti Athkoniya, Area No. 10, resident of village - Athkoniya, P.S. Tariyani, Distt. - Sheohar.
17. Kundan Kumar Singh, S/O Ashok Singh, member of Panchayat Samiti Vrindavan, Area No.11 (Poorvi), resident of village- Musahari, P.S. Tariyani, Distt. - Sheohar.
18. Ram Dayal Rai, S/O Hariom Kumar Yadav, member of Panchayat Samiti Chhatauni, Area No. 13, resident of village Dhusukpur, P.S. Tariyani, Distt. - Sheohar.
19. Ved Prakash Singh, S/O Late Ramchandra Singh, member of Panchayat Samiti Chhatauni, Area No.14, resident of village Chhautani, P.S. Tariyani, Distt. Sheohar.
20. Meena Devi, W/O Ranjeet Sah, member of Panchayat Samiti Vishvambharpur, Area No.15, resident of village Vishvambharpur, P.S. - Tariyani, Distt. - Sheohar.
21. Kundan Kumar Singh, S/O Manoj Singh, member of Panchayat Samiti Tariyani Chhapra, Area No.16, resident of village - Chhapra, P.S. - Tariyani, Distt. - Sheohar.
22. Prabhakar Kumar Singh, S/O Rajapratap Singh, member of Panchayat Samiti Tariyani Chhapra, Area No.17, resident of village - Chhapra, P.S. - Tariyani, Distt. - Sheohar.
23. Priti Singh, W/O Rahul Kumar Singh, member of Panchayat Samiti Sonbarsa, Area No.18, resident of village Aara, P.S. Tariyani, Distt. Sheohar.
24. Dharendra Kumar, S/O Vinay Kumar Singh, member of Panchayat Samiti Sonbarsa, Area No.19, resident of village Sukhivarjha, P.S. Tariyani, Distt. - Sheohar.
25. Dilip Sahni, S/O Mahendra Sahni, member of Panchayat Samiti Narwara, Area No.20, resident of village - Narwara, P.S. Tariyani, Distt. - Sheohar.
26. Sandhya Devi, W/O Surev Pandit, member of Panchayat Samiti Sharifnagar, Area No.21, resident of village Bariyarpur, P.S. Tariyani, Distt. - Sheohar.
27. Sahindra Ram, S/O Umashankar Ram, member of Panchayat Samiti Kumahrar, Area No.22, resident of village Ladura, P.S. Tariyani, Distt. - Sheohar.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate
For the Respondent/s : Mr. Standing Counsel (28)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-02-2025 Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the respondents.

2. The present writ petition has been filed for the



following reliefs:

“(i) For issuance of a writ in the nature of certiorari for quashing of proceeding dated 12.01.2024, wherein the Respondent No. 5 has illegally and arbitrarily closed the meeting called for considering the motion of No-confidence without even holding a discussion on the requisition charges of No-confidence motion or any voting on the same with holding that no any member of Panchayat Samiti was present in the special meeting during the scheduled time of 11:00 AM to 12 PM, in a very mechanical manner, and in absence of members, the no-confidence motion could not be passed.

(ii) For issuance of a writ in the nature of mandamus directing the Respondent Nos. 3 and 5 to revive the proceeding of the no-confidence motion against the Pramukh of Tariyani Prakhand (Respondent No. 6), the proceeding of which was arbitrarily and illegally closed on 12.01.2024 by the Respondent No. 5 holding that no Panchayat Samiti Member was present during the scheduled time of the special meeting and in absence of members, the no confidence motion could not be passed.

(iii) For issuance of a writ in the nature of mandamus directing the Respondent Nos. 3 and 5 to fix a date for reconvening of meeting of No Confidence motion against the Pramukh of Tariyani Prakhand (Respondent No. 6), the proceeding of which was closed by Respondent No. 5 on 12.01.2024 holding that no Panchayat Samiti Members are present in the special meeting.

(iv) And for any other relief / reliefs, order / orders, direction / directions as this Hon’ble Court thinks fit and proper to the facts and circumstances of this case.”

3. Learned counsel for the State has taken preliminary objection with regards to the maintainability of the present writ



petition and submits that petitioner is seeking mandamus against the official respondents, however, he has not approached the official respondents prior to approaching this Hon’ble Court and he has directly filed the present writ petition without approaching the authority.

4. In view of the aforesaid, the present writ petition is not maintainable.

5. Accordingly, the present writ petition stands dismissed.

(Rajesh Kumar Verma, J)

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