

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3710 of 2024

Vishwanath Tanti Son of Late Bucchu Tanti Resident of Ward No. 3, Khurunda Birpur, P.O.- Hassanpur Sugar Mill, P.S.- Hassanpur Road, District- Samastipur, Presently Pramukh of Block Panchayat Samiti, Hassanpur, District- Samastipur.

... .. 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 District Magistrate, Samastipur, Samastipur.
4. The District Panchayat Raj Officer, Samastipur, District- Samastipur.
5. The Sub-Divisional Officer, Rosera, District- Samastipur.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, District- Samastipur.
7. The Block Panchayat Raj Officer, Hasanpur, District- Samastipur.
8. Aasha Devi Wife of Dharendra Yadav Presently Up-Pramukh of Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
9. Archana Kumari Wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
10. Md. Shahjahan Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
11. Sunita Devi Wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
12. Nakchhedi Yadav son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
13. Soni Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
14. Manju Bala wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.



15. Archana Kumari wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
16. Deepak Chaudhary son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
17. Ganga Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
18. Manju Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
19. Amarjeet Paswan son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
20. Farzana Khatoon wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
21. Anju Devi wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
22. Tarni Paswan wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
23. Sudha Kumari son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
24. Sumit Kamti son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
25. Rubi Gupta wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
26. Niranjana Kumar Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur



Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.

27. Sima Bharti wife of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
28. Tej Narayan Thakur Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
29. Md. Rustam Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
30. Kishan Kumar Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
31. Arvind Yadav Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
32. Arun Kumar son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
33. Kailash Sah son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
34. Hareram Sah Son of not known to the petitioner The Elected Member of Block Panchayat Samiti, Hasanpur through the Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Hasanpur, P.O.- Hasanpur Sugar Mill, P.S.- Hasanpur Road, District- Samastipur.
35. State Election Commission, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Adv.
For the Respondent/s	:	Mr. Prabhat Ranjan, AC to GP-6
For SEC	:	Mr. Ravi Ranjan, Adv. Mr. Girish Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 10-02-2025 Heard the parties.



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

(i) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the 03.02.2024 passed by the Respondent order dated no.3 and contained in his memo no.656 dated 03.02.2024 ,whereby and where under he has been pleased to direct the petitioner to fix the date of special meeting within two days from the date of receipt of order and on failure of the petitioner, the direction has been issued to the Respondent no.6 to take steps under Section 44 and 46 of the Gram Panchayat Act to complete the procedure of No Confidence Motion;

(ii) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the 10.02.2024 issued to the petitioner by the Respondent no.6 vide his letter no.239 dated 10.02.2024, whereby and where under the Respondent no.6 has been pleased to inform the petitioner regarding special meeting of Block Panchayat Samiti



dated 19.02.2024 convened for consideration of No Confidence Motion against the petitioner;

(iii) for issuance of an appropriate writ in the nature of CERTIORARI for quashing the requisition dated 03.01.2024 signed by 25 elected members of Hasanpur Block Panchayat Samiti addressed to the petitioner but directly submitted in the office of Respondent no.6 on 03.01.2024 whereby and where under the members of the Block Panchayat Samiti had made a request from the petitioner to fix the date of special meeting of the Block Panchayat Samiti for consideration of their No Confidence Motion against the petitioner;

(iv) for a declaration that if the requisition dated 03.01.2024 was not presented before the petitioner in the manner prescribed under Section 44 (3) (i) of the Gram Panchayat Act, the requisition dated 03.01.2024 the impugned order dated 03.02.2024 passed by the Respondent no.3



*and the impugned notice dated 10.02.2024
issued by the Respondent no.6 cannot be
sustained and are, therefore, fit to be set aside.*

3. In this case, on 02.09.2024, three weeks' time was granted for issuance of notices upon respondent no. 8 to 20 and 22 to 34 through both processes.

4. As the same was not complied, the case stands dismissed on 23.09.2024.

5. It is to be noted that the Co-ordinate Bench on 20.03.2024 had observed that the election result will be subject to the final outcome of the present writ petition.

6. As the case stands dismissed, the respondent's authorities are free to announce the election result and do the needful in accordance with law and 20.03.2024 order is modified to that extent.

7. Let a copy of the order be sent to the office of District Magistrate, Samastipur for his perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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