

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10945 of 2025

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Ram Kumar Gupta Son of Late Jagdish Prasad Gupta, Resident of Ward No. 8, Nagar Panchayat Banmankhi (now Ward No. 9, Nagar Parishad Banmankhi), P.O. and P.S. Banmankhi, District- Purnea.

... .. 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 Officer on Special Duty, Urban Development and Housing Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Purnea Division, Purnea.
5. The District Magistrate, Purnea, District- Purnea.
6. The Executive Officer, Nagar Parishad, Banmankhi, P.O and P.S. Banmankhi, District- Purnea.
7. Smt. Sanjana Devi, Wife of Naresh Yadav, Presently Chief Councilor, Nagar Parishad, Banmankhi, P.O. and P.S. Banmankhi, District- Purnea.
8. Smt. Pramila Devi, Wife of Wakil Mandal, Presently Deputy Chief Councilor, Nagar Parishad, Banmankhi, P.O. and P.S. Banmankhi, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Adv Mr. Awnish Kumar, Adv
For the Respondent/s	:	Mr. Government Pleader (03)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 15-07-2025 Heard the parties.

2. With the consent of both the parties, this writ application is being disposed of at this stage itself.

3. In the present writ application, the petitioner has prayed for the grant of following reliefs:

(I) For issuance of an appropriate writ in the nature of MANDAMUS,



commanding and directing the Respondent Authorities to treat the petitioner's representation dated 21.06.2024 as the complaint of the petitioner under Section 25 (4) of the Bihar Municipal Act, 2007 (hereinafter referred to as the Municipal Act) and remove the Respondent nos. 7 and 8 from the post of Chief Councilor and Deputy Chief Councilor of Banmankhi Nagar Parishad on the ground that since the very beginning of their election Chief and Deputy Chief Councilor of the said Nagar Parishad, the Respondent nos. 7 and 8 are misusing their power to make money for themselves at the cost of misappropriation of public money of municipality.

(II) For a declaration that if by virtue of the provisions contained under Section 25(4) of the Municipal Act, the Legislature of the State in their wisdom as conferred jurisdiction upon the State Government for removal of elected Chief Councilor and Deputy Chief Councilor of a Municipality, the Respondent no.2 is statutorily obliged to act for avowed purposes of the Legislature intent and remove such Chief Councilor and Deputy Chief Councilor from their post if they have been found guilty of misusing their power and misappropriating the public money in



connivance with the Executive Officer of Nagar Parishad.

(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.

4. While advancing argument, learned counsel for the petitioner submits that he is ready to file a complaint under Section 25(4) of the Bihar Municipal Act, 2007 for removal of the Chief Councilor and Deputy Chief Councilor of Banmankhi Nagar Parishad and he would be satisfied if an appropriate direction be issued by this Court to dispose of the said complaint within a fixed time frame.

5. The aforesaid prayer being made by learned counsel for the petitioner is not opposed by the learned counsel appearing for the respondent-State.

6. Considering the limited nature of prayer being made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file a complaint under Section 25(4) of the Bihar Municipal Act, 2007 before the respondent-State for removal of the Chief Councilor and Deputy Chief Councilor of Banmankhi Nagar Parishad within two weeks from the date of this order. If such a



complaint is filed within the stipulated time, the respondent-State shall dispose of the same within a further period of three months from the date of filing of the complaint. Needless to emphasize that the final order which shall be passed on the said complaint by the respondent-State shall be a reasoned and speaking order and opportunity of hearing should be granted to all the parties concerned.

7. With the aforesaid observation/direction, this writ application is disposed of. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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