

(2024) 07 PAT CK 1531

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No.9010 of 2024

Guddu Kumar

APPELLANT

Vs

State of Bihar And Others

RESPONDENT

Date of Decision : 11-07-2024

Acts Referred:

Citation : (2024) 07 PAT CK 1531

Hon'ble Judges : K. Vinod Chandran, CJ; Partha Sarthy, J

Bench : Division Bench

Advocate : Amit Shrivastav, Ranjeet Choubey, Yogendra Pd. Sinha, Alok Ranjan, S.B.K. Mangalam, Awanish, Amit Shrivastav, Sunil Kumar Mandal, Bipin Kumar

Final Decision : Dismissed

Judgement

K. Vinod Chandran, CJ

1. The order impugned in the above writ petition stays the convening of a special meeting of the Nagar Panchayat, Khusrupur, which was convened for consideration of a no-confidence motion. The ground raised by the writ petitioner against whom the no-confidence motion is moved, to seek stay of the meeting, which was convened by the requisitionists, was that the Chairman/Chief Councilor, did not receive notice. The learned Single Judge finding favour with the submission of the writ petitioner, stayed the meeting convened.

2. When an appeal was filed from the above order we peremptorily posted it for hearing, and the learned Counsel who was appearing for the writ petitioner was also noticed. We also called for the writ petition since the issue only involved the convening of a special meeting.

3. We have heard Mr. Amit Shrivastava, learned Senior Counsel for the petitioner; Mr. Yogendra Pd. Sinha, learned AAG-7, Mr. Sunil Kumar Mandal, learned S.C.-3 for the State, Mr. S.B.K. Mangalam, learned Counsel for the private respondents; and Mr. Alok Ranjan, learned counsel for the Nagar Parishad.

4. The learned Counsel appearing for the Respondent No.5 submits that the Chief Councilor may be permitted to convene a meeting. We are not inclined, especially since the same submission could have been made before the learned single Judge. We see that the six Councilors out of the ten had submitted the requisition for moving a no-confidence motion before the Council. The Bihar Municipal No Confidence Motion Process Rules, 2010 prescribes that on receipt of notice, the Chief Councilor/the Deputy Chief Councilor should convene a special meeting within fifteen days of the date of issuance of the notice and seven days for decision for consideration of the no-confidence motion. As of now the Chief Councilor has received the no-confidence motion.

5. We do not think that there should be further delay in the matter, especially since a no-confidence motion has to be considered in the special meeting and the parties should abide by the decision taken.

6. In the circumstances, we are of the opinion that the special meeting should be convened immediately, which shall be convened at 11:00 a.m. on 19.07.2024.

7. In the appeal, we set aside the order of the learned Single Judge and we also close the writ petition.

8. The parties shall abide by the decision taken in the special meeting.