

(2022) 01 PAT CK 0047

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 478 Of 2022

Sarita Kumari

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 13-01-2022

Acts Referred:

Bihar Panchayat Raj Act, 2006 — Section 11, 15(5), 34, 35, 40(2), 62, 90, 93

Citation : (2022) 01 PAT CK 0047

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Rajeev Ranjan No-II, Dr. Krishna Nandan Singh

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s):-

That the application is being submitted to issue appropriate writ or order or direction to declare provisions of section 11, sub section (5) of section

15, sections 34, 35, sub section (2) of section 40, section 62, section 90 and sub section (5) of section 93 of the Bihar Panchayat Raj Act, 2006 to be

unconstitutional, illegal and void and further to issue appropriate writ or order or direction to the Respondent No. 1 to specify Intermediate level

a level between the village and district levels by the Governor of Bihar by public notification (Gazette of Bihar) to be the Intermediate level for

the purposes of part-IX of the Constitution of India and to specify a village or group of villages by the Governor of Bihar by public notification (Gazette

of Bihar) to be a village for the purposes of part IX of the Constitution of India and further to issue appropriate writ or order or direction to the

Respondent No. 1 and 2 to constitute Panchayats in accordance with the provisions of Part-IX of the Constitution of India and to held election

according to law.â??

3. After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is

issued to the authority concerned i.e. (Respondent No. 3, the State Election Commission (Panchayat) Bihar through Its Secretary, At Third Floor,

Sone Bhawan, Veerchand Patel Road, In- Patna (Bihar) to consider and decide the representation which the petitioner shall be filing within a period of

four weeks from today for redressal of the grievance(s).

4. Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose

it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

5. Statement accepted and taken on record.

6. As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months

from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the

same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of

action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually

agree to meet in person i.e. physical mode;

7. The petition stands disposed of in the aforesaid terms.

8. Interlocutory Application(s), if any, stands disposed of.