

SUPREME COURT OF INDIA

Afzal Imam

Vs.

State of Bihar & Ors.

C.A.No.2843 /2011

(J.M. Panchal and H.L.Gokhale,JJ,.)

01.04. 2011

ORDER

1. Leave Granted.

2. Appeal allowed. Impugned judgment and order passed by the Division Bench of the Patna High Court in Writ Petition bearing No.CWJC 9981/2010 dated 8th July, 2010 is set aside. The said writ petition filed by the appellant herein stands allowed in part. Section 27 of the Bihar Municipal Act 2007 shall be read down harmoniously with Sections 25 (4), 23 (3), 21 (3) and 21 (4) of the said Act. The respondent no.3, the District Magistrate Patna, Bihar is directed to administer the oath of secrecy under Section 24 of the Act to the seven Municipal Councillors nominated by the appellant to the Empowered Standing Committee. The appellant as well as the members of the Empowered Standing Committee shall be entitled to exercise all the powers as the Mayor and the members of the Empowered Standing Committee as provided in the Bihar Municipal Act, 2007, in accordance with law.

3. Judgment containing the reasons to follow separately.

