

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7007 of 2014

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1. Ram Saran Paswan Son of Late Nanhaku Paswan Resident of Village - Sondiha, Police Station - Sarmera, District - Nalanda at Present Mukhiya, Gram Panchayat Raj Hussena, Block & Police Station - Sarmera, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna
2. The District Magistrate, Nalanda at Biharsharif
3. The District Panchayati Raj Officer, Nalanda At Biharsharif
4. The Circle Officer, Sarmera, District - Nalanda
5. The Block Development Officer, Sarmera, District - Nalanda
6. The Superintending Engineer, Local Area Engineering Organization, Patna Division, 387/A, Mangal Bhawan, Budha Colony, Patna
7. The Executive Engineer, Local Area Engineering Organization, Works Division - 1, Biharsharif, District - Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh

For the Respondent/s : Mr. Kumari Amrita

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 18-10-2016 Heard the counsel for the petitioner and the State.

Counter affidavit(s) on behalf of the concerned respondent(s) have been filed.

The petitioner being the Mukhiya of Gram Panchayat Raj Hussena has filed the application to restrain the respondent(s) from taking steps for construction of the Panchayat Sarkar Bhawan for the Gram Panchayat in question.

Precisely, the grievance is that without taking approval of the Aam Sabha of the Gram Panchayat, the respondents have



taken steps for construction of the Panchayat Sarkar Bhawan. On the other hand, the counsel for the respondents-State have relied on Annexure-I, wherefrom it appears that in accord with the resolution of the State Government, "*No Objection Certificate*" was required from the concerned Gram Panchayat which was furnished by the Mukhiya, whereafter steps were taken to transfer the land for construction of the Panchayat Sarkar Bhawan.

Where the Panchayat Sarkar Bhawan shall be constructed is pristinely an administrative decision of the respondents-State not governed by any rule/provision. There is no statutory provision governing the field. From various resolutions of the State Government, it appears the basic requirement is of having a land either of the Government or donated to the Government with specified area and the approval of the revenue authorities with consent of the Gram Panchayat. Although, the petitioner has stated that the Gram Sabha has not approved the location, but from the counter affidavit of the respondents-State, it appears that no objection certificate was furnished by the petitioner.

Be that as it may, an issue like this would not be gone into by the writ court. If the petitioner has any grievance, he may ventilate the same before the appropriate Authority/Forum in accordance with law. If any such representation is filed, the

respondents will consider the same in accordance with law.

The writ application is disposed of.

(Kishore Kumar Mandal, J)

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