

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16545 of 2013

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1. Awadhesh Prasad Son Of Late Jagdish Prasad Resident Of Village- Dhibra,
Police Station- Amas, P.O. Navgarh, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Panchayati Raj Department, Government Of Bihar,
Patna
3. The Collector, Gaya
4. The Sub-Divisional Magistrate, Gaya
5. The Dy. Development Commissioner, Gaya
6. The District Panchayati Raj Officer, Gaya
7. The Block Development Officer, Amas Block, District- Gaya
8. The Anchaladhikari Amas Block, District- Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Respondent/s : Mr. Ravindra Nath Dubey, A.A.G.-12

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 01-04-2016

Heard the Counsel for the petitioner and the State.

This is second round of litigation by the petitioner and that too with respect to the location of the Panchayat Sarkar Bhawan in the Rampur Gram Panchayat in the district of Gaya. It is stated that earlier a Village Panchayat Bhawan was inaugurated at Navgarh which constitutes part of Rampur Gram Panchayat. Subsequently, the respondents changed the location of the pucca construction of the Panchayat Sarkar Bhawan at the Headquarter of the Gram Panchayat i.e. village Rampur. Raising the aforesaid grievance, a writ petition was filed in this Court by the petitioner vide C.W.J.C. No. 1352 of



2013. Having appreciated the contention of the parties, this Court observed that the government must follow a policy in the matter of construction of Panchayat Sarkar Bhawan. The respondent Collector was directed to get appropriate enquiry made and take appropriate decision with regard to location/construction of the Panchayat Bhawan. In the light of the said order, the District Magistrate-cum-Collector (respondent no. 3) passed an order and communicated to the petitioner under Memo No. 605 dated 20.05.2013 which is the order under challenge in the present writ petition.

Counsel for the petitioner submits that considering the geography of the Panchayat and other related issues, the Panchayat Bhawan was initially located at village Navgarh in the year 1994. The respondent Circle Officer as well as the Mukhiya of the Gram Panchayat in their respective reports contained in Annexures-5 and 6 respectively have objected to shifting of the Panchayat Bhawan from Navgarh to Rampur. The Collector erred in not considering the aforesaid reports while passing the order (Annexure-9).

Counsel for the State, on the other hand, submits that the construction of the Panchayat Bhawan is a policy decision of the government and it shall reflect from the order of the District Magistrate/Collector that it has to be located/constructed at the Headquarter of the Gram Panchayat. The shifting of the Panchayat

Bhawan from Navgarh to Rampur cannot be objected by the petitioner and that too in his individual capacity.

Having heard the parties, this Court is of the view that where the Panchayat Bhawan shall be located/constructed is pristinely an executive decision. So long as it is supported by the policy of the State of constructing Panchayat Bhawan at the Headquarter of the Panchayat, this Court would not find any perversity in the action of the respondents. The prayer is disallowed. However, the petitioner is granted liberty to raise his grievance before appropriate authority/forum in accordance with law.

The writ application is disposed of with the said liberty.

(Kishore Kumar Mandal, J)

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