

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12321 of 2015

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Kusum Devi wife of Surendra Prasad, Resident of village- Shidheshwarpur
Nahaluchak, Post Office- Nawada, P.S.- and District- Nawada

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar,
Patna
3. The Commissioner, Magadh Permanal, Gaya
4. The District Officer cum the Collector, District- Nawada
5. The Deputy Development Commissioner, Nawada, District- Nawada
6. The District Panchayat Raj Officer, Nawada, Distt. Nawada
7. The Block Development Officer, Nawada Block- Nawada, District- Nawada

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh
For the Respondent/s : Mr.Arbind Kumar, A.C. to GA13

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-04-2019 Petitioner in the present case is an elected Mukhiya of

Gram Panchayat Jamuawan Patwasarai, Block – Nawada,
District – Nawada. It is stated that he had submitted a
representation to the Collector, Nawada on 15.10.2011 for a
construction of the Panchayat Sarkar Bhawan at Revenue
village Patwasarai bearing Khata No. 547 Khesra No. 1984,
Area – 1 Acres. He has relied upon a notice of the Principal
Secretary, Panchayat Raj Department, Government of Bihar as
contained in Annexure ‘4’ to the writ application which states
that if more than one gram panchayats makes available the land
then the District Magistrate shall choose the gram panchayat



which will be having the highest population and in case of a tie the number of population of the scheduled caste and scheduled tribe will be the determinative factor.

It is further case of the petitioner that one Naresh Prasad has submitted an application for construction of the Panchayat Sarkar Bhawan (Cluster) at village Patwasarai because total population of village Patwasarai is 2600 having three gram members and the population of Dalit and Mahadalit is about 1300. It is submitted that the land have been donated the same shall inspected and verified by Anchal Adhikari Nawada but the plot in question has been selected for construction of primary health center.

It is the grievance of the petitioner that the local administration of the District Nawada is in collusion with some influential persons of village Jamuawan and they are trying to change the place of construction of Panchayat Sarkar Bhawan.

Learned counsel for the State submits that in the nature of the controversy which has been raised before this court sitting under Article 226 of the Constitution of India would not take upon itself the work of the executive who have to decide about the location of Panchayat Sarkar Bhawan. In this connection, learned relies upon a Division Bench order of this



court in CWJC No. 18446/2013.

Having heard learned counsel for the parties and on perusal of the records, this court is of the considered opinion that in the nature of the controversy raised in the writ application it cannot be adjudicated under Article 226 of the Constitution of India. If the petitioner is aggrieved by the change of location or selection of the given plot for any other purpose he will have liberty to pursue his remedy before the appropriate authority and persuade the authority concerned with regard to his claim.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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