IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9305 of 2020

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Sanjay Singh Son of Mangal Singh resident of village- Nuniyadih, Mahamadpur, Mahamda, P.s.- Baruraj, District- Muzaffarpur

... ... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Rural Development Department, Govt. of Bihar, patna
2. The Principal Secretary, Panchayati Raj Department, Govt. of Bihar
3. The District Magistrate-cum-Collector, Muzaffarpur
4. The Sub-Divisional Officer, West Muzaffarpur
5. The District Panchayati Raj Officer, Muzaffarpur
6. The Circle Officer of Motipur Block P.s.- Baruraj, District- Muzaffarpur
7. The Block Development Officer of Motipur Block P.s.- Baruraj, District- Muzaffarpur
8. The Mukhiya of Gram Panchayat Raj Mahamadpur Mahamda Block- Motipur, P.s.- Baruraj, Muzaffarpur
9. The Panchayat Secretary of Gram Panchayat Raj Mahamadpur Mahamda, block- Matipur, P.s.- Baruraj, Muzaffarpur

... ... Respondent/s

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Appearance :
For the Petitioner/s : Mr.Yugal Kishore, Adv
For the Respondent/s : Mr.Lalit Kishore (AG)

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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Date : 16-12-2020

Heard learned counsel for the parties.

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

"(i)For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents not to construct panchayati Raj Building (known as Panchayat secretariat) on the khata no.- 438, khesra no.- 706, area 4 acre 36 decimal, which is situated at the border of the village and the said khata land is last northern side border of the village situated at the border of East Champaran and the said khata lands stands as road in the map.

(ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to stop ground digging and layout work for construction of new Panchayat Secretariat building on && khata no.- 438, khesra no. 706, area 4 acre 36 decimal of the Gram Panchayat Raj Mahamadpur Mahamda, P.S.- Baruraj, Block Motipur, District- Muzaffarpur and also direct the respondents to construct new Panchayat Raj Secretariat building at the same place here old panchayat Raj building is existing i.e. at Village Mahamadpur Mahamda, which is in the centre of the village and near old panchayat building there is sufficient government land exist which is still vacant.

(iii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to consider the facts that as per panchayat Raj Act the building should be constructed in the centre of revenue village of the Panchayat and revenue village of panchayat is Mahamadpur Mahamda and construction of the new building is also going to done in same village, but the place opted by the present mukhiya and panchayat secretary is not in the centre of the village rather, it is on the last northern side of the village and the same is situated just near the district East Champaran and the location wise it is not easy

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for the people of Panchayat Raj to move at the last area of the village as there is five village in Panchayat Raj Mahamadpur Mahamda i.e. Sasna, Dharampur, Ishak, Mahamadpur Raje and Mahamadpur Mahamda.

(iv) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to make physical verification of the land in question prior to start construction of new building of Panchayat Raj known as Panchayat Raj secretariat and after making verification and resolving the public petition and public grievance construction of the new building should be done, so that paramount welfare of the villager of the panchayat raj could not be ignored."

After the matter was heard for sometime, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the **respondent no. 2 Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna,** to consider and decide the representation with respect to grievances raised in such representation.

Learned counsel for the respondent states that if such representation is filed before the **respondent no. 2 Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna,** same shall be considered and decided within a period of two months from the date of receipt of such representation in accordance with law.

Equally liberty is reserved to the petitioner to take

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recourse to such alternative remedies as are otherwise available in accordance with law.

Liberty reserved to petitioner to approach the court, if the need so arises subsequently on the same and subsequent cause of action.

The writ petition is accordingly, disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

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