

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4639 of 2021

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Mina Devi W/o Ram Vir Sahani Resident of Village- Dalakwa Dalki, P.S.-
Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through Secretary, Bihar Panchayat Raj, Patna.
2. District Collector Sitamarhi.
3. Sub Divisional Officer Sadar, Sitamarhi.
4. District Panchayat Officer Sitamarhi.
5. Block Development Officer Sonbarsa, Sitamarhi.
6. Circle Officer Inderwa.
7. Panchayat Secretary Inderwa Panchayat, Sonbarsa, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Respondent/s : Mr. Sajid Salim Khan, SC 25

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 27-07-2021

Heard learned counsel for the parties.

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

“For issuance of an appropriate order/orders, direction/directions, to change the place of construction of Panchayat Bhavan under Indreswa Panchayat bearing Khata No. 130, Khesra No. 511, area 65 decimal, whereas the plot is in the name of Ram Janki i.e. the land of religious trust board.

(ii) For direction the respondents to stop pucca construction of Indurwa Panchayat Bhawan to the wrong place that is located at Indo-Nepal border where earlier selected place for Panchayat Bhawan is the Government

pond where Govt. does endowment (Bandobasti) for the purpose of fishery.

(iii) For direction the respondents to immediate take action because without the approval of State Govt. financial Aid Committee, this construction is being held as the complete violation of rule of Bihar Govt.”

Counter affidavit has been filed on behalf of State of Bihar in which it is stated that Panchayat Sarkar Bhawan is to be constructed in the light of comprehensive guidelines issued by the department of Panchayati Raj, Bihar, Patna, according to which Panchayat Sarkar Bhawan is to be constructed as a first preference on the Govt./Public land having an area of at least 50 decimals and should be easily accessible and accordingly, a letter dated 01.06.2017 was issued by the District Magistrate, Sitamarhi, and options were invited and petitioner submitted a report dated 14.06.2017 to the Block Development Officer, Sonbarsa indicating that a piece of land bearing Khata No. 798 Plot No. 1910 Area 40 decimals in village Dalkawa, which was found not suitable for construction of Panchayat Sarkar Bhawan, as such same was not approved.

A proposal was made on 01.10.2018 by the local body that land for construction of Panchayati Sarkar Bhawan is available which is a Govt. land appertaining to Khata No.512 Khesra No. 506 & 515, Area 75 decimals and also satisfies the conditions as laid down in the guideline and some land of Ram

Janki Mandir adjoining to abovesaid Govt. land was also donated by Ramdas Chela for construction of Panchayat Sarkar Bhawan in Gram Panchayat Raj, Indarwa, and proposal with map was sent to the District Panchayat Officer, Sitamarhi, by the BDO, Sonbarsa vide letter dated 27.09.2019 and same was approved and communicated vide memo dated 03.07.2019, and administrative sanction for construction of Panchayat Sarkar Bhawan and fund was made available and construction was also started.

In view of the averments made above, this Court does not find any public interest involved in the present petition and is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2021
Transmission Date	NA