

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.984 of 2021

1. Shailendra Kumar Singh, Son of Sri Ashok Kumar Singh Resident of Village- Chakua, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.
2. Rambali Singh, Son of Late Basawan Singh Resident of Village- Chakua, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.
3. Manoj Kumar Singh, Son of Maksudan Singh Resident of Village- Chakua, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.
4. Ashok Kumar Singh, Son of Late Chandradip Singh Resident of Village- Daswat Bigha, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.
5. Baleshwar Singh, Son of Late Ram Lagan Singh Resident of Village- Jagdishpur, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.
6. Alakhdeo Prasad Sinha, Son of Late Tulsi Lal Resident of Village- Jagdishpur, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.
7. Jay Ram Kumar Singh, Son of Late Naresh Singh Resident of Village -Oar.
8. Manoj Pandey, Son of Baleshwar Pandey Resident of Village- Chintawan Bigha, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.
9. Harihar Mistry, Son of Late Budhan Mistry Resident of Village- Daswat Bigha, Panchayat- Jagdishpur, Block and P.S.- Kutumba, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Panchayat Raj Department, Government of Bihar, Patna.
3. District Magistrate, Aurangabad.
4. District Panchayat Raj Officer Aurangabad.
5. Sub Divisional Officer cum Sub- divisional Public Grievance Cell Officer Aurangabad.
6. Block Development Officer Kutumba, District- Aurangabad.
7. The Circle Officer Kutumba Circle, District- Aurangabad.
8. Mukhiya Gram Panchayat Jagdishpur Panchayat, Block- Kutumba, District- Aurangabad.
9. Panchayat Sachiv Gram Panchayat Jagdishpur Panchayat, Block- Kutumba, District- Aurangabad.

... .. Respondent/s



Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Jha, Advocate
For the Respondent No. 8	:	Mr. Shekhar Singh, Advocate
	:	Mr. Satyendra Rai, Advocate
	:	Mr. Sumit Kumar, Advocate
	:	Mr. Kumar Alok, S.C. 7

(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)

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s).

“(i) For issuance of a writ in the nature of prohibition or any other appropriate writ, order or direction to the respondents restraining them from making illegal construction of Panchayat Sarkar Bhawan of Jagdishpur Panchayat at an inappropriate and wrong place at Village Arli violating all the laws and rules of Bihar Panchayat Raj Act and the order/direction of the Principal Secretary, Department of Panchayati Raj, Government of Bihar issued on 26.02.2019 vide memo no. 2P/Pa So. Bha-09-10/2017/1436 Panchayat Raj, Patna as contained in Annexure-1, according to which vide para 2, a Panchayat Sarkar Bhawan should be constructed at Head Quarter of the Panchayat at Jagdishpur only. And vide para 2, it should not be constructed over or near to any “Pokhar, Talab, Road, Vind, Pind and Ahar.”

“Thus violating all command of laws anrules of Bihar Panchayat Raj act and instruction of Principal Secretary, Panchayati Raj department, the respondents are going to construct the Panchayat Sarkar Bhawan as



per their own suitability and choice, for their own benefit with obvious reasons, at the behest of Mukhia, Jagdishpur Panchayat, who became instrumental in this illegal act and in most arbitrary manner showing the village Arti proposal passed by Gram Sabha dated 2.10.2019 is a fake and fabricated one.

(ii) For issuance of writ in the nature of Public Interest or any other appropriate writ(s), order(s), direction(s) particularly in the nature of mandamus commanding the respondents to act in accordance with law and direction of the State government after venturing for actual "Gram Sabha" in quite legal manner and then only a proposal should be considered in view of strict obedience of law, order and procedure well prescribed there in.

(iii) And/or pass such other order or orders as deem fit and proper in the interest of justice.

After the matter was heard for some time, learned counsel for the petitioners, under instructions, state that petitioners shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioners shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.



Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;

(e) We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(f) Liberty reserved to the petitioners to approach the Court, if the need so rises subsequently on the same and



subsequent cause of action;

(g) We have not expressed any opinion on merits.

All issues are left open;

(h) The proceedings, during the time of current
Pandemic- Covid-19 shall be conducted through digital mode,
unless the parties otherwise mutually agree to meet in person
i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

