

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9477 of 2021**

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Awadhesh Prasad Son of Late Tulsi Prasad Resident of Village Baluwa Birti  
Tola (Ward no. 1) P.S.- Paharpur, Anchal Paharpur, District East Champaran.

... .. Petitioner

Versus

1. The State of Bihar Through Principal Secretary, Panchayati Raj Government of Bihar, Patna.
2. Director Panchayati Raj Government of Bihar, Patna.
3. District Magistrate East Champaran at Motihari.
4. District Panchayat Raj Officer East Champaran at Motihari.
5. Deputy Development Commissioner East Champaran at Motihari.
6. Sub- Divisional Officer Areraj District- East Champaran at Motihari.
7. Block Development Officer Paharpur, District- East Champaran at Motihari.
8. Anchal Adhikari Paharpur, District- East Champaran at Motihari.
9. Sri Munna Kumar Sah (Mukhiya) Son of Bagar Sah Gram Panchayat Balua, resident of Village Balua Tola Bairia, P.S.- Paharpur, District- East Champaran at Motihari.

... .. Respondents

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**Appearance :**

For the Petitioner : Mr.Arun Kumar, Adv.  
For the Respondents : Mr. Ajay, GA-5

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)**

**Date : 28-06-2022**

Heard learned counsel for the petitioner and  
learned counsel for the state.

The instant writ petition has been filed by the  
petitioner for directing the respondents to construct Gram  
Panchayat Sarkar Bhawan over Government land in plot no.  
1783 pertaining to Khata no. 424 situated in village Balua and



further to restrain the respondents from constructing Panchayat Sarkar Bhawan over plot number 1753 in village Akauna.

From the counter affidavit filed on behalf of the respondent no. 3 to 8, it would be evident that initially plot no. 1783 was selected for construction of Panchayat Sarkar Bhawan, but due to protest made by the people of the locality, the construction work could not be started. Subsequently, selection of site was again got verified and on spot verification, it was found that plot no. 1753 was more suitable for construction of Panchayat Sarkar Bhawan. Accordingly, proposal for transfer of land and construction of Panchayat Sarkar Bhawan was processed selecting plot no. 1753. The selection of the site was discussed in Gram Sabha of the panchayat in its meeting held on 03.01.2022. The Gram Sabha resolved for construction of the Panchayat Sarkar Bhawan over plot no. 1753 vide resolution no. 2. It would further be evident from para 7 of the counter affidavit that more than 25% of construction work of the said Panchayat Sarkar Bhawan has been done and the rest is in progress.

Since the Government scheme provides for construction of Panchayat Sarkar Bhawan, a decision in this regard has to be taken by the Panchayat. The Panchayat has



taken its conscious decision that for construction of the Panchayat Sarkar Bhawan plot no. 1753 is more suitable.

In that view of the matter, we are not inclined to entertain the present application in extraordinary writ jurisdiction wherein several disputed facts have been raised.

The application is, accordingly, dismissed.

**(Ashwani Kumar Singh, J)**

**( Dr. Anshuman, J)**

Pradeep/-

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