

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1304 of 2023

1. Priti Kumari W/o Shri Karunesh Singh, R/o village and P.O.- Chandadih, P.S.- Dhoraiya, District- Banka.
2. Akhilesh Kumar S/o Late Kailash Prasad Singh, permanent R/o-village+P.O.-Chandadih, P.S.-Dhoraiya, District-Banka, also R/o Sector-7, Block- 3, Flat No. 15, H.I.G. Flats, Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar Patna.
2. The Principal Secretary, Panchayati Raj Department, Bihar Patna.
3. The Project Director, Panchayati Raj Department, Government of Bihar, Patna.
4. Bihar Gram Swaraj Yojana Society, 3rd Floor Biscomaun Towers, Gandhi Maidan, Patna.
5. The District Magistrate, Banka, Bihar.
6. The District Panchayati Raj Officer, Banka.
7. The Department Divisional Commissioner, Banka.
8. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhoraiya.
9. The Circle Officer, Circle-Dhoraiya, District- Banka.
10. The Block Panchayati Raj Officer, Dhoraiya.
11. The Mukhiya, Chandadih Gram Panchayat, District- Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Adv.
For the Respondent/s : Smt. Archana Meenakshee, GP-6

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-08-2023

Heard learned counsel for the petitioners and learned
counsel for the State.

2. The petitioners, who claimed themselves to be
resident of Village Chandadih Gram Panchayat, invoking the



extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India, seek a direction upon the respondent-authorities to restrain them from construction of a Panchayat Sarkar Bhawan of Chandadih Gram Panchayat in village Kusmi, which is not the headquarter of village Chandadih Gram Panchayat, de hors to the guidelines issued by the Principal Secretary, Panchayati Raj Department vide letter no. 8354 dated 30.08.2022.

3. Mr. Awadhesh Kumar, learned counsel for the petitioners, while drawing attention of this Court to the guidelines vehemently submits that the criteria to be followed for construction of Panchayat Sarkar Bhawan, wherein it has been specifically directed that the Panchayat Sarkar Bhawan would normally/as far as possible be constructed in the headquarter village of the Gram Panchayat itself and only in the absence of non-availability of land in the headquarter village, it would be constructed in another village of the Gram Panchayat. However, despite availability of adequate land, the Panchayat Sarkar Bhawan is not being constructed in the headquarter, which gives rise to filing the present writ application. He further contended that the petitioners have filed an application about the illegal and arbitrary manner over the construction of Panchayat



Sarkar Bhawan is being made before the respondent no.5, District Magistrate, Banka, requesting him to consider their claim and the points raised in their application.

4. On the other hand, learned counsel for the State while refuting the contention of the petitioners submits that so far the construction of Panchayat Sarkar Bhawan is concerned, the same is within the exclusive jurisdiction of the Gram Panchayat and any direction of this Court would be uncalled for at this stage.

5. Having heard the parties and taking into consideration the nature of the prayer, as also the settled proposition of facts and law that a decision as to the situs of a Panchayat Sarkar Bhawan lies entirely within the domain of the Panchayat concerned and the State Government has exclusive jurisdiction to take a decision in this regard, as such, this Court would refrain from issuing any direction.

6. However, taking into consideration the fact that the petitioners have already approached before the respondent no.5, District Magistrate, Banka, for ventilating their grievance, this Court deems it fit and appropriate to dispose of the writ application with a direction to the respondent no.5 to consider the representation of the petitioners (Annexure-3) and pass a



speaking and reasoned order in view of the guidelines issued by the Principal Secretary, Panchayati Raj Department vide letter no. 8354 dated 30.08.2022, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30-08-2023
Transmission Date	

