

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5091 of 2019

1. Lalita Devi Wife of Dev nandan Yadav R/O - Village - Atiya, Tola - Gaura, Post - Koshila P.S. - Magadh University (Bodhgaya), District - Gaya
2. Mithilesh Kumar Son of Ishwar Yadav R/O - Village - Atiya, Tola, - Pachhan, P.S.- Magadh University (Bodhgaya) District - Gaya
3. Shashi Bhusan Prasad Son of Suraj prajapati R/O - Village - Gangahar, P.S. - Magadh University (Bodhgaya), District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Chief Secretary, Government of Bihar, Patna
2. The Principle Secretary Department of Panchyati Raj, Government of Bihar, Patna
3. The Director Panchyati Raj, Government of Bihar Patna
4. The Collector Gaya
5. The Executive Engineer Local Area Engineering Organization Works Division, Sherghati, Gaya, Bihar
6. The Junior Engineer Local Area Engineering Organization Works Division, Sherghati, Gaya, Bihar
7. The Disrict Panchayat Officer Gaya
8. The Block Development Officer Bodhgaya, Gaya
9. The Circle Officer Bodhgaya, Gaya
10. Block Panchayat Officer Bodhgaya, Gaya
11. The Panchayat Secretary Gram Panchayat Atiya, Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Kameshwar Pd. Gupta (GP-10)
		Mr. Satya Vrat, AC to G.P.-10
For GSYS	:	Mr. Ranjeet Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 05-07-2023 Heard Mr. Surendra Kumar Singh, learned counsel
for the petitioners and the State.



Through this writ application, the petitioners seeks following reliefs:

(i) to issue an appropriate writ, order or direction for quashing a Letter No.105, dated 02-02-2018 addressed to Project Director of Bihar Gram Swaraj Yojana Society. Panchayati Raj Department Patna, Bihar, issued under the signature of District Magistrate: Gaya whereby direction has been issued to mark the list of land selected for the construction of Panchayat Sarkar Bhawan in which land bearing Khata No-436, Khesra No-2813, Mauza Atiya, Block Bodhgaya, District-Gaya has wrongly been selected in place of Thana No-432, Khata No-436, Plot No- 1079, Area 4.8 Acre situated at Mauza Atiya, which was also approved by Panchayat Aam Sabha, Atiya, Bodhgaya fulfilling the required criteria for the development of said Panchayat Sarkar Bhawan;

(ii) to issue an appropriate writ, order or direction commanding the respondents to forbear or refrain from the construction of Panchayat Sarkar Bhawan in the Village Atiya over the land of Thana No-432 over Khata No- 436. Plot No-2813, area 0.81 decimal as said land does not meet the basic requirement of guidelines fixed for the construction of Panchayat Bhawan;



(iii) to issue further appropriate writ order or direction commanding the respondents to construct the Panchayat Sarkar Bhawan over a piece of land offered by the Gram Panchayat bearing Khata No- 436, Plot No-1079, Area 4.8 acre situated at Mauza Atiya, Bodhgaya, and not to deviate from the decision taken by the Gram Panchayat;

(iv) to issue further writ order or direction for instituting high level inquiry over the conduct of respondents in constructing the Panchayat Bhawan against the norms/ criteria fixed by the government;

(v) to issue further writ order or direction commanding the respondents to forthwith stop the construction work of Panchayat Bhawan of village Atiya of Bodhgaya Block;

(vi) this Hon'ble Court may adjudicate and hold that any construction made in violation of rules! guidelines is an act of arbitrary exercise of power/authority and it may cause wastage of public money;

(vii) to award the cost of litigation and suitable Compensation to the Petitioner for the loss and damages caused not only to the Petitioners but people at large on account of illegal order issued by the Respondents.

Learned counsel for the petitioners submit that with



the passage of time, the writ petition has now become infructuous.

Accordingly, the petition stands disposed of.

(Rajiv Roy, J)

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