

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3777 of 2023

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Chandravanshi Kumar, aged about 48 years, Male, Son of Late Ruplal Mahto,
Resident of Village and Panchayat - Madhopur Anant, P.S. and Block -
Sheohar, District - Sheohar.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj, Department,
Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
3. The District Magistrate, Sheohar.
4. The District Panchayati Raj Officer, Sheohar.
5. The Sub-Divisional Officer, Sheohar, District - Sheohar.
6. Deputy Development Commissioner, Sheohar.
7. The Block Development Officer, Sheohar, District - Sheohar.
8. The Mukhiya Gram Panchayat Raj, Madhopur Anant, Block - Sheohar,
District - Sheohar.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate

For the State : Mr. Ajay, GA-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 10-04-2023

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

2. By way of instant writ proceedings instituted as a
Public Interest Litigation, the petitioner seeks directions upon



the Respondent Authorities for construction of '*Panchayat Sarkar Bhawan*' in village-Madhopur Anant in terms of Departmental letter dated 26/11/2019, as contained in Annexure-1 to the writ petition.

3. It is submitted that the same is being constructed in village-Shahpur; even though Gram-Madhopur is the larger village, having a larger population, including that of Scheduled Castes. The efforts to divert construction of '*Panchayat Sarkar Bhawan*' at village-Shapur is, therefore, contrary to the Departmental Notification dated 26/11/2019. The Notification dated 26/11/2019, issued by the Principal Secretary in the Panchayati Raj Department, Government of Bihar, to all District Magistrates in Bihar.

4. Perusal of the Notification (Annexure-1) reveals that the location for construction is to be identified based on various parameters, giving preference to headquarters of the *Gram Panchayat*, and in case of unavailability of such land, on any suitable land, in any other *Gram Panchayat* to be selected by the District Magistrate. If suitable land is found in more than one village, then the location is to be identified with reference to the Revenue village, having larger population, next in order of priority and the percentage of Scheduled



Castes members. The Notification also provides for giving preference to construction of '*Panchayat Sarkar Bhawan*' on government/ public lands as far as possible. It also gives due importance to the land being free from water logging, and having easy access/connectivity for all residents of the *Panchayat*. The Court, therefore, would find that identification of the land, for construction of '*Panchayat Sarkar Bhawan*', is essentially an administrative decision to be taken by the Executive Authorities, as per the Departmental Notification dated 26/11/2019, having regard to the various parameters specified in the same.

5. The petitioner has also not made out a case of violation or infringement of any statutory or constitutional right. This Court, therefore, does not find that the petitioner has been able to make out a case for exercise of limited scope of judicial review in executive decision of administrative authority in such policy matters. It is also not clear from the pleadings that any decision has yet been taken based on the parameters specified in the Departmental letter dated 26/11/2019.

6. This Court, in view of consideration above, does not find any element of Public Interest involved. The instant



proceedings are closed, leaving it open for the petitioner to pursue the matter otherwise.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.04.2023
Transmission Date	N/A

