

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3620 of 2023

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Kashi Sahani, Son of Jagarnath Sahani, Resident of Village- Chhota Baisaha,
Ward No. 5, Chakia, Bara Chakia, District- East Champaran, Bihar- 845412.

... .. 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, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, East Champaran at Motihari, Bihar.
4. The District Panchayati Raj Officer, East Champaran at Motihari, Bihar.
5. The Circle Officer, Circle- Chakia, District East Champaran, Bihar.
6. Panchayat Secretary, Gram Panchayat Baisaha, Circle and Block Baisaha, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Respondent/s : Ms. Rashmi Ranjan, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 22-08-2023

Heard Mr. Ajay Kumar Singh, learned counsel appearing on behalf of the petitioner. The State is represented by Ms. Rashmi Ranjan, learned AC to SC-7.

2. The petitioner, being the resident of Chhota Baisaha under Ward No.5 of the Gram Panchayat Baisaha under Block-cum-Circle Chakia, East Champaran, Motihari approached this Court for a direction upon the State respondents to construct Panchayat Sarkar Bhawan at revenue village Baisaha, which is the head quarter of Gram Panchayat Baisaha, in view of



directives of Panchayati Raj Department, Government of Bihar, as contained in Memo No. 8354 dated 30.08.2022, whereby the selection of land for constructing the Panchayat Government Building has been vested in the District Magistrate of the concerned district.

3. He further submits that in view of the Government circular issued by the Panchayati Raj Department, the Panchayat Sarkar Bhawan is ought to be constructed at the head quarter of the Gram Panchayat and only in case of non-availability of land, it can be shifted to other place in view of the directives of the Panchayat Raj Department, as contained in Memo No. 8354 dated 30.08.2022.

4. On the other hand, learned counsel for the State submits that location of the Panchayat Sarkar Bhawan more often Executive policy matter and it is not for the Court to decide whether one location is better than the other.

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 jurisdiction of the Panchayat concerned and the State Government have exclusive jurisdiction to take a decision in this regard, as such,



this Court would refrain from issuing any direction.

6. In view of the submissions made on behalf of the parties and considering the nature of the dispute, the present writ application stands disposed of with liberty to the petitioner to raise his grievance before the District Magistrate, East Champaran, Motihari by filing an appropriate petition/ representation along with all the necessary documents in support of his claim. If such representation is filed within four weeks’ from today along with a copy of this order, the same would be disposed of by a reasoned and speaking order within a further period of eight weeks from the date of filing of such representation.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2023
Transmission Date	NA

