

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5584 of 2023

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Pinki Devi Wife of Amarkant Prasad, resident of village- Mukhtiyarpur, Ward No. 01, P.O. - Mukhtiyarpur, P.S. - Dalsinghsarai, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Panchayati Raj, Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Panchayati Raj Officer, Samastipur.
5. The Sub-Divisional Officer, Dalsinghsarai, Samastipur.
6. The Circle Officer, Dalsinghsarai, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate.
For the Respondent/s : Mr. Satyeshwar Prasad, AC to SC-7.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 29-08-2023

Heard Mr. Nagendra Kumar Singh, learned counsel
for the petitioner and Mr. Satyeshwar Prasad, learned AC to
SC-7 for the State.

2. The petitioner, who is a member of
Mokhatiyaropur Salkhani Gram Panchayat Samiti in the
district of Samastipur, preferred the present writ application
under Article 226 of the Constitution of India seeking a
direction commanding upon the respondents to construct the
Panchayat Sarkar Bhawan, over the land pertaining to Khata
No.1644 (New) Khesara No.7247 area 47 decimals, Khesara
No.7249, area 10 decimals, the nature of which is a



Gairmazaruam Aam land in view of the guidelines issued by the Government of Bihar in the Department of Panchayati Raj.

3. Submission has been made by the learned counsel for the petitioner that despite the guidelines issued by the State Government for construction of the Panchayat Sarkar Bhawan in the headquarter the same has not been followed without any justifiable reasons and the decision of construction is delayed by the influential persons with oblique reasons.

4. On the other hand, learned counsel for the State while refuting the contention of the petitioner 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.3, the District Magistrate, Samastipur, for ventilating their grievance, this Court deems it fit and appropriate to disposed of the writ application with a direction to the respondent no.3 to consider the representation of the petitioner and pass a speaking and reasoned order in view of the guidelines issued by the Principal Secretary, Panchayat Raj Department, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. Accordingly, the present writ application stands disposed of with the aforesaid direction.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2023.
Transmission Date	NA

