

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5906 of 2023

-
1. Shri Jay Bhadra Jha Son of Baldev Jha, Resident of Ward no. 08, Anchal - Pratapganj, Govindpur, P.S. - Pratapganj, District - Supaul, Bihar.
 2. Nav Sundar Mishra, Son of Late Chichan Mishra, Resident of Ward no. 07, Gobindpur, P.S. - Pratapganj, District - Supaul, Bihar.
 3. Madhyanand Jha, Son of Kumudanand Jha, Resident of Village - Ward no. 05, Govindpur, P.S. - Pratapganj, District - Supaul, Bihar.
 4. Niranjana Kumar Jha, Son of Ashwini Jha, Resident of ward no. 08, Govindpur, P.S. - Pratapganj, District - Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Panchayati Raj, Department, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The District Panchayat Raj, Officer, Supaul.
4. The District Development Commissioner, Supaul.
5. The Sub-Divisional Officer, Birpur, Supaul.
6. The Block Development Officer, Pratapganj, Supaul.
7. The Circle Officer, Pratapganj, Supaul.
8. The Block Panchayati Raj Officer, Pratapganj, Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr. Ajay (GA5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-08-2023

1. The petitioners are before this Court alleging that the construction of a Panchayat Sarkar Bhawan in Supaul is against the guidelines issued for such constructions and it is now located near the house of the



Mukhiya. The petitioners also rely on Annexure-3, a judgment of this Court in a public interest litigation, and the directions issued by the District Magistrate as per Annexure-1. It is asserted that the construction, which is the subject matter of this writ petition, is violative of Annexure -1.

2. Admittedly the very same cause was agitated in a public interest litigation filed as early as in 2020, as revealed from Annexure-3. The writ petition was disposed on 22.06.2021 directing the petitioner therein to approach the appropriate authority.

3. The villagers, according to the petitioners herein, approached the authority by Annexure-4 representation, which does not bear a date. Annexure-5 is a report of the Circle Inspector dated 14.07.2017. It is also stated that the person, who is said to be using the alleged construction, as a house, is the former Mukhiya who has been referred to in the earlier part of the memorandum as the Mukhiya of the Gram Panchayat.

4. Obviously, the writ petition is filed on the very same grounds on which an earlier writ petition was filed, in



which a direction was issued to approach the appropriate authority with a representation which was also directed to be disposed of. If the directions were not complied with, definitely, the petitioners therein or any of the residents of the locality, especially the writ petition being a public interest litigation, could have approached this Court with a Contempt of Court case. None was filed in the ensuing years. Again, a writ petition is filed in the year 2023, almost after two years, for the very same reliefs. Obviously, the construction would have been proceeded with and at this stage there is absolutely no cause for invoking the extraordinary jurisdiction under Article 226 of the Constitution of India.

5. It is also relevant that the Mukhiya/ outgoing Mukhiya who has been accused of illegally choosing the location near his house for the construction of a Panchayat Bhawan has not been impleaded in the present case. We also see that there is a grievance raised with respect to the conduct of the Aam Sabha, which again would have to be agitated before the appropriate authorities.

6. We find absolutely no reason to invoke the



extraordinary jurisdiction under Article 226 of the Constitution of India to interfere with the matters, which have been agitated in the writ petition. The writ petition would stand dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	07.08.2023
Transmission Date	

