

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6624 of 2023**

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Jivachha Chaudhari Son of Bhola Chaudhari Up-Mukhiya-Cum- Ward Member No.6 of Gram Panchayat Raj Mautha, Police Station-Ladaniya, District-Madhubani, Permanent Resident of Village-Chhapki, Ward No.6, Police Station-Ladaniya, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Panchayat Raj Department, Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Panchayati Raj Officer, Madhubani.
4. The Land Reforms Deputy Collector, Jai Nagar, District-Madhubani.
5. The Sub-Divisional Officer, Jay Nagar, District-Madhubani.
6. The Circle officer, Ladaniya, District-Madhubani.
7. The Block Development officer, Block-Ladaniya, District-Madhubani.
8. The Block Panchayati Raj Officer, Block-Ladaniya, District-Madhubani.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate  
For the Respondent/s : Mr. Kinkar Kumar, S.C. 9

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJIV ROY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE RAJIV ROY)**

**Date : 03-10-2023**

Heard the parties.

2. The petitioner has moved this Court by way of Public Interest Litigation for the issuance of appropriate writ/writs, direction/directions, order/orders commanding the respondents to construct '*Panchayat Sarkar Bhawan*' at village-Mahtha where the Panchayat Headquarter of Mahtha Gram Panchayat is situated and not in any other village of the said Gram Panchayat.



3. He further wants a direction upon the respondents to drop the proposal of construction of '*Panchayat Sarkar Bhawan*' in the village of Ladaniya.

4. The facts of the case is/are as follows :-

5. The petitioner is '*Up-mukhiya*' of Gram Panchayat-Mahtha, Block-Ladaniya in the district of Madhubani.

6. In 2021 election of the Ward no. 6, he was declared elected and later also contested the election of '*Up-mukhiya*' and won. The State of Bihar decided in principle to construct '*Panchayat Sarkar Bhawan*' in each and every Gram Panchayat of the State and the statement of the Hon'ble Minister was published in the local newspaper (Dainik Bhaskar) on 14.03.2023.

7. So far as the '*Panchayat Sarkar Bhawan*' of Mahtha Gram Panchayat is concerned, the authorities decided to construct it at village-Ladaniya by transferring Government Land vide memo No. 3403 dated 02.12.2022 (Annexure-4 to the writ petition). It is to be noted that the Mahtha Gram Panchayat consists of the villages of:

- (i) Mahtha,
- (ii) Ladaniya,
- (iii) Chhapki and



(iv) Mahuwa.

8. The grievance of the petitioner is that the '*Panchayat Sarkar Bhawan*' should have come up at village-Mahtha which is the headquarter and not at Ladaniya. He preferred petition before the Sub-Divisional Public Grievance Redressal Forum, Jai Nagar but the same was dropped on 13.01.2023.

9. He thereafter preferred representation before the District Magistrate, Madhubani, received in his office on 12.12.2022. An enquiry was conducted but no steps taken. He as such, submits that direction be given to construct the '*Panchayat Sarkar Bhawan*' at Mahtha instead of Ladaniya.

10. Learned counsel for the State, on the other hand, representing the respondents submits that in paragraph-3 of the petition, the petitioner has made a categorical statement that he do not have any direct or indirect interest in the present public interest litigation petition despite the fact that he is '*Up-mukhiya*' of Mahtha Gram Panchayat and thus is directly interested in the matter.

11. His next submission is that the State Government decided to construct a '*Panchayat Sarkar Bhawan*' and found an appropriate land available at Ladaniya and



accordingly, the same was earmarked/transferred. He further submits that it is adjoining village Mahtha where the petitioner wants the '*Panchayat Sarkar Bhawan*' to be constructed. As such, he submits that the present petition is fit to be dismissed.

**12.** Having gone through the facts of the case as also the statements put forward by the parties, this Court finds force in the points raised by the State Counsel.

**13.** Paragraph -3 of the writ petition read as follows :-

*“That the petitioner has no direct or indirect interest in the matter related to this writ petition.”*

**14.** The petitioner being the '*Up-Mukhiya*' of the Mahtha Gram Panchayat has direct interest in the matter and thus it is his Personal Interest Litigation.

**15.** The State Government found the place at Ladaniya to be appropriate for construction of the '*Panchayat Sarkar Bhawan*' and accordingly, transferred the land. The petitioner despite query by this Court has failed to make out a case how the construction of '*Panchayat Sarkar Bhawan*' at Ladaniya is disadvantageous to the public at large.

**16.** The petition is misconceived and is dismissed



with a cost of Rs. 10,000/- to be paid to the Bihar State Legal Services Authority. If the same is not paid within a period of one month, the Bihar State Legal Services Authority would be entitled to recover it from the petitioner as arrears due on land under the appropriate enactment.

**(K. Vinod Chandran, CJ)**

**(Rajiv Roy, J)**

Jagdish/-

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