

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15640 of 2022

1. Krishna Devi, female, aged about 75 years, W/o Late Ram Narayan Singh, R/o village - Jaitpur, P.O. - Jaitpur, P.S. - Chandi, Dist. - Nalanda.
2. Jitendra Kumar, Male, aged about 40 years, S/o Late Brijbihari @ Vrigbihari Lal, Resident of village - Jaitpur, P.O. - Jaitpur, P.S. - Chandi, Dist. - Nalanda.
3. Mukesh Kumar, male, aged about 35 years, S/o Late Brijbihari @ Vrijbihari Lal, R/o village - Jaitpur, P.O. - Jaitpur, P.S. - Chandi, Dist. - Nalanda.
4. Sudhir Kumar @ Shrikant Sharma, male, aged about 54 years, S/o Late Rambriksh Singh, R/o Village - Jaitpur, P.O. - Jaitpur, P.S. - Chandi, Dist. - Nalanda.

All Residents of village- Jaitpur, P.S.- Chandi, Circle- Tharkhari,
Dist.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayat Raj Vibhag, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Nalanda, Biharsharif.
5. The Sub Divisional Public Grievances Redressal Authority, Hilsa Sub-Division, Hilsa (Nalanda District).
6. The District Public Grievance Redressal Authority, Nalanda District.
7. The District Panchayat Raj Officer, Nalanda, Biharsharif.
8. The Circle Officer, Tharthari Circle (Nalanda District).
9. The Executive Engineer, Local Area Engineering Organisation (LAEO in Short), Work Division - 1 Biharsharif.
10. The Executive Engineer, Local Area Engineering, Organisation (LAEO) work Division - 1, Hilsa.
11. The Block Development Officer, Tharthari (Nalanda District).
12. The Panchayat Sachiv, Jaitpur, Gram Panchayat, Nalanda District.

... .. Respondent/s



Appearance :

For the Petitioners : Mr. Shiw Kumar Prabhakar, Advocate
Mr. Uma Shankar Sharma, Advocate
For the State : Mr. Saty Vrat, AC to GP 10

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)**

Date : 31-01-2023

Heard Mr. Shiw Kumar Prabhakar, learned counsel appearing on behalf of the petitioners and Mr. Satya Vrat, learned Assistant Counsel to GP 10 for the State.

2. The present writ application has been filed for the following reliefs:

“(i) To set aside/modify Letter 1915/P dated 12.09.2022, issued under the signature of the District Magistrate Nalanda issued by the collectrate Nalanda Biharshariff (Zila Panchayat Shakha) mentioned in Vihit Prapatra-1 (list of marked Gram Panchayat for construction of Panchayat Sarkar Bhawan) in Jaitpur Mauza of Jaitpur Gram Panchayat, Tharthari Block of Nalanda District bearing Khata no. 594, Khesra No. 1449, Area 1.14 acre as contained in Annexure 8 of this writ petition.

(ii) For issuance of mandamus against the respondents concerned to order



construction of panchayat Sarkar Bhawan at Jaitpur village which is the head quarter of Jaitpur of Jaitpur Gram Panchayat in Nalanda District at a Suitable, fit & proper place.

(iii) For issuance of mandamus against the respondents concerned to permit/allow the gift of land proposed to be given by the petitioners in the name of His Excellency the Governor of Bihar for construction of Panchayat Sarkar Bhawan of Jaitpur village in Jaitpur Gram Panchayat of the District of Nalanda.

(iv) For issuance of Direction upon the respondents concerned to not shift the scheme of construction of Panchayat Raj Bhawan from Jaitpur to any other village.

(v) For any other relief(s) for which the petitioner would be found entitled by the Hon'ble High Court in the facts & circumstances of this case."

3. It is contended on behalf of the learned counsel for the petitioners that the land in question which was selected for the purposes of construction of Panchayat Sarkar Bhawan at Jaitpur mauza under Jaitpur Gram Panchayat is not suitable for the construction of Panchayat Sarkar Bhawan on various grounds.

4. Pursuant to the direction of this Court, a



supplementary counter affidavit has been filed duly sworn by the District Magistrate, Nalanda stating therein that considering the report of the Executive Engineer, LAEO, Work Division-II, Hilsa as contained letter no. 1455 dated 22.10.2022 the DCLR, Hilsa was directed to select the required land for the purposes of construction of Panchayat Sarkar Bhawan in Jaitpur Gram Panchayat, which must be undisputed and suitable for the implementation of the said scheme vide letter no. 110 dated 11.01.2023 issued by the respondent-District Magistrate, Nalanda.

5. It is further contended on behalf of the respondents that the departmental guidelines provide for process of selection of land for the purposes of construction of Panchayat Sarkar Bhawan and they would be abide by the departmental guidelines as contained in Memo No. 6601 dated 04.12.2018, as well as letter No. 03 (Swi) dated 03.06.2019 as has been brought on record by way of Annexures D and E to the supplementary counter affidavit.

6. In view of the subsequent development and the averments made in the supplementary counter affidavit duly sworn by the District Magistrate, Nalanda, the present writ petition stands disposed of with a direction to the respondents to



do the needful in the matter of construction of Panchayat Sarkar Bhawan on a suitable and undisputed land in accordance with the guidelines/ letters as stated hereinabove.

(Ahsanuddin Amanullah, J)

(Harish Kumar, J)

Ranjeet/Anjani

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