

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20702 of 2019

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Santosh Kumar Jha Son of Bachchan Jha, Resident of Village- Sarso, Police Station- Pandoul, District- Madhubani. At present Sarpanch of Gram Katchahari Sarisavpahi (West), Block- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayat Raj, Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The District Development Officer, Madhubani.
4. The District Panchayat Raj Officer, Madhubani.
5. The Block Development Officer, Pandaul, Madhubani.
6. The Panchayat Secretary, Panchayat Raj Sarisavpahi (West), Block- Pandaul, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Jha, Advocate
For the Respondent/s	:	Mr. Kumar Alok, SC 7
		Mr. Rakesh Kumar, AC to SC 7

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 28-06-2023 Heard the parties.

The present writ petition has been filed for the following reliefs:-

(i) to issue a writ in the nature of mandamus to direct the respondents to ensure the felicitation of Panchayat Court room and office to the Gram Katchahari in the newly constructed Panchayat Bhawan of the Sarisavpahi (West), Block- Pandaul, District- Madhubani which has not been felicitated as yet despite direction issued by learned B.D.O., District Panchayat Officer and D.D.C. of Madhubani;



(ii) to direct the respondents to ensure the felicitation of court room/office to the Gram Katchahari of petitioner in terms of the Memo no.4903 dated 06.09.2018 issued under the authority of Principal Secretary, Panchayat Raj, Bihar, Patna;

(iii) to direct the respondents to comply the resolution of the Govt. in terms of the mandate of the Constitution of India for the Gram Panchayat.

Learned Counsel for the petitioner submits that he is bereft of an office forcing him to work from home.

Learned State Counsel has brought on record a counter affidavit on behalf of the Respondent Nos. 2 to 5 and has taken this Court to paragraphs 8 to 10 and submits that the place for Gram Katchery in the Panchayat Sarkar Bhawan is free from any encroachment and is vacant.

Request was made to the petitioner several time to shift the office but he chose to continue working from home and there is no hurdle in operation of Gram Katchery from Panchayat Sarkar Bhawan.

Further by way of letter no. 1303 dated 09.05.2022 issued by the respondent no. 5, a direction was already issued to the petitioner to start functioning from the Panchayat Sarkar Bhawan (Annexure- R/D to the counter affidavit).



Learned Counsel for the petitioner submits that there is lack of necessary materials causing difficulty in running the office.

Learned State Counsel submits that he being a '*surpunch*' can take decision/issue direction to procure the necessary materials required for running the office.

The writ petition is disposed of with the direction to the petitioner to approach the respondent no. 5 (Block Development Officer, Pandaul) who shall cooperate with him so that the office finally becomes functional.

The writ petition accordingly stands disposed of.

(Rajiv Roy, J)

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