

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2941 of 2024

Meghnath Mahto Son of Late Babulal Mahto, resident of Village and P.O.-
Pachpaika, Police Station-Ujiyarpur, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Panchayat Raj Officer, Samastipur.
5. The Sub Divisional Officer, Dalsinghsarai, District-Samastipur.
6. The Block Development Officer, Ujiyarpur, District-Samastipur.
7. The Block Panchayat Raj Officer, Ujiyarpur, Samastipur.
8. The Circle Officer, Ujiyarpur, District-Samastipur.
9. The Panchayat Secretary, Gram Panchayat Raj Baikunthpur Brahnda, Block-Ujiyarpur, District-Samastipur.
10. The Mukhiya, Gram Panchayat Raj, Baikunthpur Brahnda, Block-Ujiyarpur, District-Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav
For the Respondent/s : Mr.Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 23-02-2024

The petitioner claiming himself to be a public spirited person, has filed the present public interest litigation by invoking the extraordinary jurisdiction of this Court, under Article 226 of the Constitution of India, seeking a direction upon the respondents to select the land for construction of



Panchayat Sarkar Bhawan at Revenue village, Pachpaika, under Gram Panchayat Raj, Baikunthpur Brahnda, Block-Ujjiyarpur, District - Samastipur in the interest of the public of the Gram Panchayat.

2. The petitioner further sought a direction upon the concerned respondents not to select the land under Prembrahnda Khata No. 107, Khesra no. 866, for construction of Panchayat Sarkar Bhawan, which land, as per the record, is a thoroughfare.

3. It is contended that as per the Government scheme, Panchayat Bhawan has to be constructed at the headquarter of the Panchayat and possibly on government land, but in case of non-availability of Government land, any person/persons of the concerned Panchayat can give his/their land through registered deed in the name of Governor of the State. Reference has been made to item no. 370 of Samagra Yojana Darpan-2023.

4. It was further contended that apart from selection of proposed site being in violation of the scheme/policy as noted hereinabove, the proposed selected land is not suitable for the people of the panchayat and the local residents are willing to donate their land for construction of the said Panchayat Bhawan on other suitable place but the same is not being acceded to.

5. Having heard the parties and taking into consideration the nature of the prayer as also the



scheme/guidelines, it is worth noted that a decision as to situs of Panchayat Sarkar Bhawan lies entirely within the domain of panchayat concerned and the State government has exclusive jurisdiction to take a decision in this regard and, as such, any direction of this Court would be uncalled for.

6. It would be worth mentioning here that with regard to selection/construction of Panchayat Sarkar Bhawan there is already a guidelines issued by the competent authority and, prima facie, the petitioner has not made out any case that the selection/construction of Panchayat Sarkar Bhawan is in defiance of the same and dehors to the guidelines, this Court would refrain to entertain the present petition by way of Public Interest Litigation.

7. In view thereof the present petition stands dismissed, having no merit.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
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