

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5528 of 2024

Akhilesh Kumar S/o Late Kailash Prasad Singh Permanent R/o Village and P.O.- Chandadih, P.S.- Dhoraiya, District- Banka. Also R/o Sector- 7, Block- 3, Flat No. 15, H.I.G. Flats, Bahadurpur Housing Colony, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Bihar, Patna.
3. The District Magistrate, Banka, Bihar.
4. The District Panchayati Raj Officer, Banka.
5. The Department of Divisional Commissioner, Banka.
6. The Block Development Officer-cum-Executive Officer, Block Panchayat Samiti, Dhoraiya.
7. The Circle Officer, Circle- Dhoraiya, District- Banka.
8. The Block Panchayati Raj Officer, Dhoraiya.
9. The Mukhiya, Chandadih Gram Panchayat, District- Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashikant Amar, Advocate Mr. Awdhesh Kumar, Advocate
For the Respondent/s	:	Mr. Standing Counsel 25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-07-2024 Heard Mr. Awdhesh Kumar, learned counsel for the petitioner and the State.

2. The present writ petition has been preferred for the following relief(s):

(i) for setting aside the order dated 16.10.2023, which has been issued vide Memo no. 1846, under the signature of Respondent no. 5, whereby the representation of the petitioner has



been disposed of on the basis of a non est and cryptic order and in sheer derogation to the guidelines issued by the Respondent No. 2 the Principal Secretary, Panchayati Raj Department, vide Letter no. 8354 dated 30.08.2022, whereby the District Magistrates of the entire State of Bihar have been issued appropriate guidelines with regard to the criteria to be followed for construction of Panchayat Sarkar Bhawan, wherein it has been specifically directed inter alia that, the Panchayat Sarkar Bhawan would normally as far as possible, be constructed in the headquarter village of the Gram Panchayat itself, and only in the absence of non availability of land in the headquarter village, the Panchayat Sarkar Bhawan would be constructed in another village of the Gram Panchayat;

(ii) for setting aside the order dated 16.10.2023, issued vide Memo no. 1846, under the signature of Respondent no. 5, on the ground that the reasons which have been assigned for rejecting the claim of the petitioner, are not only invalid, but they are also arbitrary and capricious and are also in utter derogation to the guidelines issued with regard to the criteria to be followed for construction of Panchayat Sarkar Bhawan and which are having a statutory force and hence any violation to the criteria laid down in the guidelines, be declared as illegal and invalid;

(iii) for setting aside the order dated



16.10.2023, issued vide Memo no. 1846, under the signature of Respondent no. 5, on the ground that the same is not in consonance with the order dated 28.08.2023 passed in CWJC no. 28.08.2023, whereby it was directed to the respondent authorities to pass a speaking and reasoned order in view of the guidelines issued by the Principal Secretary, Panchayati Raj Department vide Letter no. 8354 dated 30.08.2022, but in sheer violation to the same, order dated 16.10.2023 has been passed contrary to what has been directed in the guidelines.

3. After some arguments, learned counsel for the petitioner submits that since according to the petitioner, the departmental guidelines are being flouted, he will be approaching the highest authority, the Principal Secretary, Panchayati Raj Department, Bihar, Patna (respondent no.2).

4. The State counsel has no objection.

5. Granting such liberty, the writ petition stands disposed of.

(Rajiv Roy, J)

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