

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6887 of 2024

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Jagnarayan Prasad Son of Late Jagdish Yadav, Resident of village - Usari,
Police Station- Muffasil, District- Gaya, Pin - 823003.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Gram Panchyat Raj Department, Government of Bihar.
2. The Commissioner, Gaya Division, Gaya.
3. The District Magistrate, District - Gaya.
4. The Block Development Officer, Block Manpur, P.S- Buniyadganj, District Gaya.
5. The Circle Officer, Block- Manpur, P.S.- Buniyadganj, District Gaya.
6. The Gram Panchayat Usari, through its Mukhia, Mrs. Sangita Devi W/o Akhilesh Kumar, Resident of Village Songra, P.S.- Buniyadganaj, P.O.- Sondhi, District- Gaya.
7. Smt. Leela Devi, W/o Sri Surya Deo Kumar Yadav at present Sarpanch of Gram Panchyat Usari, Resident of Village Usari, P.S.- Buniyadganj, P.O.- Khanjahapur, Dist.- Gaya.
8. Kumari Babi, W/o Sri Vijay Prasad, the then Mukhia of Gram Panchyat Usari, resident of village Shekha Bigaha, P.O. - Alipur P.S.- Buniyadganj, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Lakshmi Kant Tiwary, Advocate
		Mr. Nitesh Kumar, Advocate
For the Respondent/s	:	Mr. Vikas Kumar, AC to Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 26-04-2024 The petitioner is concerned with the establishment of a Panchayat Bhawan. The petitioner had represented before the authorities against the Panchayat Bhawan proposed to be constructed in the place of Tola Shekha Bigha, Khata No. 590,



Plot No. 2170. According to the petitioner, the Panchayat Bhawan is to be constructed in the village Usari on Khata No. 590, Plot No. 698. Earlier, the petitioner had filed a writ petition which was disposed of as Annexure-P/6. Even at that point of time, the Division Bench was not happy with the submissions made by the learned counsel for the petitioner.

2. Finding the Division Bench not inclined to entertain the writ petition, a prayer was made for consideration of a representation, which was allowed. Later, an MJC was filed as seen at Annexure-P/8 in which it was found that direction in the order was complied with. The consideration is seen at Annexure-P/7. The District Magistrate has considered the entire gamut of facts from the original proposal to the commencement of the construction. The petitioner's contention that the construction is made in a site which is a 'Aahar' (reservoir) has been specifically rejected. The type of land registered in the Khatian is said to be a road and not an Aahar. The location of the construction was also approved in the meeting of the District Plan and Monitoring Committee under the Chairperson-ship of the then DM, Gaya. It was, in fact, even after the approval that the earlier writ petition was filed as CWJC No. 1113 of 2022.



3. We find absolutely no reason to entertain the writ petition, especially since construction of a Panchayat Bhawan is a policy decision which is best left to the Government and its authorities. We were also of the opinion that considering the earlier litigation and the detailed order passed by the DM on a representation filed by the petitioner that the present writ petition was misconceived.

4. The learned counsel for the writ petitioner then sought for permission to withdraw the writ petition.

5. The writ petition is dismissed as withdrawn.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

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