

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8354 of 2024

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1. Karan Kappor S/o Sadan Ram, Resident of Village- Dumraith, P.S.- Bhabhua, District- Kaimur.
 2. Manoj Khorwar, S/o Sh. Suresh Khorwar, Resident of Village- Dumraith, P.S.- Bhabhua, District- Kaimur.
 3. Bablu Kumar Patel, S/o Ram Kirat Singh, Resident of Village- Dumraith, P.S.- Bhabhua, District- Kaimur.
 4. Pramod Kumar, S/o Sh. Marachu Ram, Resident of Village- Dumraith, P.S.- Bhabhua, District- Kaimur.
 5. Pratab Ram, S/o Neera Mushatar, Resident of Village- Dumraith, P.S.- Bhabhua, District- Kaimur.

... .. Petitioners

Versus

1. The Principal Secretary of Panchayati Raj Vibhag, Government of Bihar.
2. The District Magistrate of Kaimur, Bhabua.
3. The District Panchayat Raj Officer, Kaimur, Bhabua.
4. The Circle Officer of Bhabua, Kaimur.
5. Mukhiya of Village Panchayat, Dumraith, Bhabua.
6. Panchayat Secretary of Village Panchayat, Dumraith.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

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

Date : 17-05-2024

Heard the parties.

2. The petitioners, the residents of village Dumraith under the district of Kaimur, have preferred the present writ petition under Article 226 of the Constitution of India, in the guise of “Public Interest Litigation” (PIL), seeking a direction upon the respondent-authorities not to construct Panchayat



Bhawan over the land bearing Khata no. 44, Khesra no. 412, Thana no. 268, admeasuring area of 78 decimal, situated at village Auraiya Dev, P.S. Bhabhua, District-Kaimur.

3. The learned Counsel representing the petitioners, contended that the issuance of “No Objection Certificate” to construct Panchayat Bhawan over the land in question, apart from being against the public interest of the residents of Dumraith, is in complete violation of the prescription provided under the notification issued by the Chief Secretary dated 30.08.2022. It is further contended that the Government of Bihar, in the Department of Panchayati Raj, issued notification prescribing the guidelines for construction of Panchayat Bhawan in every village. However, the Mukhiya of Gram Panchayat, Dumraith, in connivance with other respondents have approved the land, which is not at all fit for construction of Panchayat Bhawan and, thus, violated the notification issued by the Panchayati Raj Department dated 30.08.2022. It is also informed that against the illegal action of the Mukhiya of the concerned Gram Panchayat; cancelling the membership of Ward Member(s), the aggrieved members have also approached before this Court in C.W.J.C. No. 11060 of 2023, which is pending consideration.

4. While concluding his arguments, the learned Counsel for the petitioners also contended that there are other



lands situated at village Dumraith, which is the Panchayat Headquarter and suitable in all respect for construction of Panchayat Bhawan. Despite the voice raised by the villagers of village Dumraith, the respondents are not paying any heed to their grievance, compelling them to move before this Court.

5. Considering the submissions advanced on behalf of the petitioners and the materials available on record, *prima facie*, this Court finds that so far as the construction of Panchayat Bhawan is concerned, the same is within the exclusive jurisdiction of the Gram Panchayat and any direction of this Court would be uncalled for at this stage. A decision as to the situs of a Panchayat Sarkar Bhawan lies entirely within the domain of the Panchayat concerned and the State Government has exclusive jurisdiction to take a decision in this regard.

6. In view thereof, this Court does not find any reason or occasion to entertain this writ petition. Accordingly, it is dismissed.

(K. Vinod Chandran, CJ)

rohit/-

(Harish Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-06-2024
Transmission Date	

