

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5850 of 2024

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Santosh Kumar Son of Shiv Bahal Singh R/o Village- Khaira, P.O.- Khaira,
P.S.- Ben, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Revenue and Land Reforms, Govt. of Bihar, Patna.
4. The Director, Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Patna.
5. The Collector Cum District Magistrate, Nalanda at Bihar Sharif.
6. The District Panchayat Raj Officer, Nalanda at Bihar Sharif.
7. The Circle Officer, Ben, District- Nalanda.
8. The Prakhanda Panchayat Raj Officer, Ben, District- Nalanda.
9. The Secretary, Gram Panchayat Raj Khaira Under Prakhanda Ben, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate
For the Respondent/s : Mr. Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 05-04-2024

Heard the parties.

2. The petitioner while invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India has filed the writ petition by way of Public Interest Litigation, seeking a direction upon the State Government and its authorities to consider for construction of Panchayat Sarkar Bhavan at Revenue Village Khaira under Prakhanda and Anchal-Ben, District Nalanda, strictly under the



guidelines issued by the Government of Bihar, Patna.

3. It is contended on behalf of the petitioner that under the Gram Panchyati Raj Khaira, there are altogether thirteen villages and the village Khaira is a Revenue village, bigger than any other village under the Gram Panchayat. Despite availability of several suitable lands under the Revenue village Khaira, the respondent authorities propose to construct Panchayat Sarkar Bhavan of Gram Panchayat Khaira in village Dharni Bigha, in the premises of school of Dharni Bigha.

4. Submission has been made that the respondent authorities started construction contrary to the guidelines issued by the Department of Panchayati Raj, Government of Bihar, Patna which prescribes the modes of selection of lands for construction of Panchayat Sarkar Bhavan. It is also submitted that the petitioner alongwith others have raised their voice before all the State officials, however, having found no response, the petitioner filed the present writ petition.

5. From the averments made in the writ petition and the annexure appended thereto, prima facie it appears that the proposed land has already been selected on being given no objection certificate by the Circle Officer, Ben, District - Nalanda and after getting administrative approval, a tender has also been invited from the bidders for construction of different



Panchayat Sarkar Bhavan, the copy of which is produced as Annexure 2 to the writ petition. The petitioner also does not plead the specific breach of the guidelines.

6. Repeatedly similar issue in relation to construction of Panchayat Sarkar Bhavan on a suitable or alternative places are being raised before this Court through different Public Interest Litigation. This Court has categorically observed that the situs of Panchayat Sarkar Bhavan is within the domain of the Gram Panchayat and the State Government has the exclusive control over it which is the competent authority to look into the matter that the terms of the guidelines issued in this regard are followed.

7. In such circumstances, any order passed by this Court shall be uncalled for thus, no order is required to be passed at this stage.

8. The present writ petition stands dismissed.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.04.2024
Transmission Date	NA

