

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14670 of 2024

Nirmala Devi W/o- Digambar Mandal, Resident of Basuari, P.S.- Ghoghardiha, District- Madhubani, presently holding the post of Mukhiya of Gram Panchayat Raj, Basuari, P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The Additional Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
5. The District Magistrate, Madhubani, District- Madhubani.
6. The District Panchayat Raj Officer, Madhubani, District- Madhubani.
7. The Block Development Officer, Ghoghardiha, District- Madhubani.
8. The Circle Officer, Ghoghardiha, District- Madhubani.
9. The Executive Engineer, Local Area Engineering Organisation, Work Division- 02, Jhanjharpur (Madhubani).
10. Punam Mishra, W/o not known, the then Circle Officer of Ghoghardiha Block, District- Madhubani.
11. Uttam Lal Yadav, S/o Late Bhagwan Datt Yadav, Resident of Village- Basuari, P.S. Ghoghardiha, District- Madhubani presently holding the post of Upmukhiya, Gram Panchayat Raj, Basuari, P.S - Ghoghardiha, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Adv
For the Respondent/s : Mr. Ramadhar Singh, Government Pleader 25

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2024 Heard the parties.

2. This writ application is being filed on behalf of the
petitioner for following reliefs:-

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the Memo No. 3283 dated 23.11.2022 issued by District Magistrate, Madhubani by which without verifying the report directed for transfer of disputed land for construction of Panchayat



Sarkar Bhawan under Gram Panchayat Raj, Basuari (Ghoghardiha) because the same is going to be constructed on the land which has been decided by R.No. 11 (Upmukhiya) who has no locus standi to take decision in the presence of petitioner (Mukhiya) moreover upon the inquiry conducted by R. No. 4, it has come out that 5.37 acres govt. land is available in the said gram panchayat and recommendation for construction of Panchayat Sarkar Bhawan is beyond the guide lines of State Govt.

(ii) For issuance of writ of certiorari for quashing the Memo No. 1231 dated 26.07.2024 issued under the signature of R.No. 9 with respect to construction of Panchayat Sarkar Bhawan in Gram Panchayat Raj, Basuari bywhich direction has been given for demarcation of land against that report has come out that in selection of land for construction of Panchayat Sarkar Bhawan is contrary to guide lines of State Govt.

(iii) For issuance of writ of mandamus commanding and directing the respondent authority to construct Panchayat Sarkar Bhawan on Govt. land as per guide lines issued by R.No.1 contained in Memo No. 8354 dated 30.08.2022 r/w decision of the Gram Panchayat on 04.01.2022 which is in consonance with inquiry report submitted vide letter No. 3452 dated 12.09.2023 to R.No. 5 and



further a direction to the concern authority to take appropriate action against R.No. 10 in view of letter No. 7519 dated 26.09.2014 because ignoring the guide lines, in place of availability govt. land recommended disputed land for construction of Panchayat Sarkar Bhawan, and all the land owners have given objection particularly when at least 5.37 acres of govt. land available in Basauri Gram Panchayat.

(iv) For a direction to take appropriate action on the enquiry report vide letter no. 3452 dated 12.09.2023 bywhich it has come out that 5.37 acres govt. land is available in said gram panchayat and recommendation of land by the R.No. 10 for construction of Panchayat Sarkar Bhawan.

(v) For issuance of any other appropriate writ/writs, order/orders, direction/directions for this the writ petitioner shall be found entitled under the fact and circumstances of the case.

3. The matter relates to construction of Panchayat Sarkar Bhawan under Gram Panchayat Raj, Basuari (Ghoghardiha) in the district of Madhubani and the petitioner who claims herself Mukhiya submits that ignoring a good land for the said construction, a land which is disputed, has been



chosen.

4. Learned counsel for the petitioner submits that an inquiry took place which favours the contention of the petitioner.

5. Learned State counsel submits that the decision has already been taken. If the petitioner has any grievance, he could have moved the higher authority, i.e., Respondent no.2, the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.

6. Learned counsel for the petitioner submits that he will be approaching the concerned authority in next four weeks along with all the relevant documents.

7. In case, the petitioner approaches, Respondent no. 2, the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna, after hearing the parties, shall take decision expeditiously.

8. The writ petition stands disposed of.

(Rajiv Roy, J)

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