

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3851 of 2025

Manish Kumar Maharana Son of Sri Bhagwan Singh, Resident of Village and Post Dumariya, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Old Secretariat Building, Patna.
3. The Additional Chief Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
4. The District Panchayati-Raj Officer, Bhojpur.
5. The Sub-Divisional Officer, Piro.
6. The Circle Officer, Tarari (Bhojpur).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the Respondent/s : Mr. Standing Counsel (7)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-03-2025 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for the

following reliefs :-

(i) Issuance of directions, orders or writs in the nature of mandamus directing the Respondents to forthwith stop the construction work of Panchayat Headquarter which is being illegally constructed in village Kapurdiha by the orders of the Government whereas the aforesaid Panchayat Headquarter can only be constructed in the village Dumaria as per the 2022 Rules issued by the Department of Panchayati-Raj, Government Of Bihar vide Memo No. 8354 dated 30.08.2022 as village Dumaria has adequate land available for construction of Panchayat Bhawan Mukhyalaya and also the population of village Dumaria is the highest in the entire Panchayat and as



such the aforesaid construction of Panchayat Bhawan in the village Kapurdiha is illegal and without getting approval from the working Committee of the Panchayat or Aam Sabha.

(ii) Any other relief or reliefs for which the petitioner may be deemed entitled to.

3. Learned counsel for the petitioner submits that in light of the guidelines bearing memo no. 8354 dated 30.08.2022 for construction of Panchayat Sarkar Bhawan and selection of land, it has been directed that the Panchayat Sarkar Bhawan shall generally be constructed in the main village of the Panchayat. The District Magistrate, Bhojpur at Ara had issued letter no. 2615 dated 18.10.2024 whereby the Circle Officer had been directed to furnish the details of the land where the Panchayat Bhawan can be constructed. The petitioner along with other villagers have submitted a letter dated 20.12.2024 before the District Magistrate, Bhojpur requesting to immediately stop the construction work of Panchayat Sarkar Bhawan at village Kapurdiha for which the tender had been issued by the competent authority.

4. Learned counsel for the State submits that as per the decision of the competent authority, the tender notice was invited for construction of Panchayat Sarkar Bhawan in Dumaria (Tarari) and after the tender was published, the petitioner and other co-villagers have approached the authority



concerned and they have stated that they are ready to donate their land for construction of the Panchayat Sarkar Bhawan and it also appears from the Annexure-5 of the writ petition that the representation of the petitioner was submitted before the authority concerned after the tender notice.

5. A Division Bench of this Hon'ble Court has dismissed the writ petition of the petitioners namely, Naveen Kumar Ram & Others, vide order dated 07.04.2023 passed in C.W.J.C. No. 3282 of 2023, which is quoted hereinbelow:-

“ The averments in the writ petition discloses that all the petitioners were public representatives of the Gram Panchayat in question at the time the earlier site was selected in 2021. They have alleged that the Gram Sabha comprising of present members and Mukhiya have now initiated shifting of the proposed site for construction of the Panchayat Sarkar Bhawan to a place which is not suitable.

Whether the Panchayat Sarkar Bhawan is constructed at site A or B is an issue best left to the people's representatives in the local self government institutions as well as the local authorities to decide based on various factors/parameters. Such a decision is essentially a matter of policy.

This Court is, therefore, not inclined to exercise its discretionary jurisdiction in respect of such policy matters.”

6. In view of the aforesaid, the construction of the Panchayat Sarkar Bhawan as per the guidelines of the State Government is under the domain of the local self government institutions as well as the local authorities to decide, based on



various factors/parameters. No case is made out for interference in the matter.

7. In view of the order dated 07.04.2023 passed in C.W.J.C. No. 3282 of 2023, the writ petition is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

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