

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2436 of 2025**

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1. Naseem Ansari Son of Late Shameem Ansari, Resident of Village- Aslempur, P.O.- Usas, P.S.- Konch, District- Gaya.
2. Niranjan Prajapat Son of Late Jagdish Prajapat, Resident of Village- Aslempur, P.O.- Usas, P.S.- Konch, District- Gaya.
3. Md. Zahid Ansari Son of Kasim Ansari, Resident of Village- Aslempur, P.O.- Usas, P.S.- Konch, District- Gaya.
4. Anil Kumar Son of Dal Singar Saw, Resident of Village- Aslempur, P.O.- Usas, P.S.- Konch, District- Gaya.
5. Satyendra Saw Son of Ramchandra Saw, Resident of Village- Aslempur, P.O.- Usas, P.S.- Konch, District- Gaya.
6. Jama Gauhar Son of late Sayed Javed Ahmad, Resident of Village- Aslempur, P.O.- Usas, P.S.- Konch, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Panchayati Raj Officer, Gaya.
5. The Circle Officer, Konch, Gaya.
6. Executive Engineer Construction Department Building Division, Gaya.
7. Rajni Kumari Daughter of Paras Kumar Yadav, Resident of Village- Usad, P.S.- Konch, District- Gaya.
8. Pankaj Kumar Son of Brij Bihari Sharma, Resident of Village- Tuturkhi Bigha, P.S.- Konch, District- Gaya.
9. Jay Kumar Singh son of Babu Ram Singh, Resident of Village- Singhra, P.S.- Konch, District- Gaya.
10. Ashutosh Kumar Singh Son of Mohan Singh, Resident of Village- Singhra, P.S.- Konch, District- Gaya.
11. Gunjan Kumar son of Dularchand Das, Resident of Village- Tuturkhi Bigha, P.S.- Konch, District- Gaya.
12. Mohan Singh Son of Ramotar Singh, Resident of Village- Tuturkhi Bigha, P.S.- Konch, District- Gaya.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Y.V.Giri, Sr. Advocate  |
|                      | : | Mr.Devashish Giri, Advocate |
| For the Respondent/s | : | Mr.Government Pleader-12    |



**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL JUDGMENT**

**Date : 13-02-2025**

Heard Mr. Y.V. Giri, learned senior counsel appearing for the petitioner and learned learned Government Pleader-12 for the State.

2. The present writ application has been filed for the following reliefs:

I. For issuance of an appropriate Writ (s) order(s)/ direction(s) in the nature of Certiorari to quash and set aside the direction of the District Magistrate, Gaya issued vide letter no.- 1507 dated 21.06.2024 (as contained in Annexure-P13, Pg.98) to take necessary steps for building Panchayat Sarkar Bhawan in the land appertaining to Khata no- 369, Thana no.- 05, Plot no 227 admeasuring 1 acre 56 decimal situated in Tuturkhi.

II. For issuance of an appropriate writ (s/order(s)/ direction(s) in the nature of Mandamus directing the respondents not to proceed with the construction work of the Panchayat Sarkar Bhawan on land appertaining to Khata no.- 369, Thana no-05, Post no-227 admeasuring 1 acre 56 decimal situated in Village Tuturkhi.

III. For issuance of an appropriate writ(s)/order(s)/ direction(s) in the nature of Mandamus directing the respondents to build Panchayat Sarkar Bhawan on five vacant plots which all



are connected to each other falling under Khata no-256 total admeasuring 124 decimal of vacant land recorded as Anabad Bihar Sarkar kind Purani Parti land available in village-Aslempur which is the headquarter of the Gram Panchayat, Aslempur.

IV. For review and recall of the order dated 19.09.2024 passed in CWIC No 13737 of 2024 (as contained in Annexure-P15,Pg.117) by the Hon'ble Justice Rajiv Roy.

V. For any other relief reliefs to which the petitioners are deemed entitled as per the facts and circumstances of the case.

3. Learned senior counsel for the petitioners submits that the petitioners are resident of village-Alsempur, which is the headquarter of village of Gram Panchayat Aslempur and respondent No.3 had issued a letter dated 21.06.2024 by which the District Magistrate has taken a decision for a construction of the building of Panchayat Sarkar Bhawan in the land situated in Tuturkhi which is not the headquarter of the Gram Panchayat Aslempur which is violation of the direction issued by the Panchatyat Raj Department dated 21.08.2015 (Annexure-P1).

4. Learned counsel for the State had taken a preliminary objection with regard to the maintainability of the present writ application and submits that earlier some of the villagers had approached this Hon'ble Court in CWJC No.13737 of 2024 for the



same relief. The Hon'ble Court, after hearing all the parties, has been pleased to dismiss the writ application vide order dated 19.09.2024 passed in CWJC No.13737 of 2024. Paragraph-11 of the said order which reads as follows:

*“11. In this background when a better option is available with the District administration which in the opinion of the District Magistrate, Gaya is also suitable for security reason and is further centrally located for the people to approach it, in the opinion of the Court no illegality has been committed in taking the fresh decision of the said construction. Where the Panchayat Bhawan is to be constructed, it should be in exclusive domain of the District administration. However, the same must be within the guideline and in case, there is any violation, the Panchayati Raj Department, Bihar, Patna is better placed to look into it and do the needful.”*

5. The Division Bench of this Hon'ble Court has passed the order dated 07.04.2023 with respect to construction of



Panchayat Sarkar Bhawan passed in CWJC No.3282 of 2023 which is quoted hereinbelow:-

*“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.*

*The writ petition is misconceived and is accordingly dismissed”.*

6. The petitioners in the present writ petition are also the local residence. Accordingly, the guideline of the State Govt. the petitioners have no locus to agitate the policy matter of the State Govt. before this Hon’ble Court.

7. In view of the submission made on behalf of the learned counsel for the State as well as the order order dated 19.09.2024 passed in CWJC No.13737 of 2024 and order dated



07.04.2023 passed in CWJC No.3282 of 2023, no case is made out for interference by this Court.

8. Accordingly, this writ application stands dismissed.

**(Rajesh Kumar Verma, J)**

Nitesh/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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