

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3730 of 2025

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Atharuzzaman @ Ujali @ Alharuzzama Son of Md Qamruzzaman Resident of Village-Chirotana, Ward no.05, P.O. Slaha Buzurg, P.S. Larjhaghat, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Panchyat Raj, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Panchayat Raj Officer, Samastipur.
5. The Sub-Divisional Officer, Rosera, Samastipur.
6. The Circle Officer, Bithan, Samastipur.
7. The Block Panchayat Raj Officer, Bithan, Samastipur.
8. The Executive Engineer, Flood Control Division, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hafiz Shahbaz Arif, Advocate
For the State : Mr. Government Pleader (17)

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 03-03-2025

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner has filed the present writ petition for the following reliefs:

“(i) For issuance of an appropriate writ, order or direction commanding the respondents authorities to construct Panchayat Sarkar Bhawan in the Head quarter of Salaha Gram Panchayat outside the river bed safety the flood bandh on any appropriate Govt. land.



(ii) For issuance of an appropriate writ, order or direction restraining the respondent authorities from constructing the Panchayat Sarkar Bhawan South side of Kareh river of Gram Panchayat Raj Salaha Buzurg on a plot of land bearing Khata No. 03, Khesra No. 673 which is in river bed and generally the same is inundated under deep water in the rainy season and there is a great chance of washing away of the aforesaid proposed Building.

(iii) For issuance of an appropriate writ, order or direction for grant of any other relief or reliefs which may be deemed fit and proper in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the authority has taken a decision for construction of Gram Panchayat Raj Salaha Buzurg in river bed of Kareh river on a Government land bearing Khata No. 03, Khesra No. 673 under the Scheme of Government of Bihar.

4. Learned counsel for the State has taken a preliminary objection and submits that as per Letter No. 10956 dated 12.10.2023 of the Government of Bihar, the only Government authority or the elected body of the area is responsible for construction of Panchayat Sarkar Bhawan and apart from that he has relied upon a Division Bench judgment dated 07.04.2023



passed in C.W.J.C. No. 3282 of 2023 (Naveen Kumar Ram & Others), 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.”

5. In view of the above, no case is made out for interference in the matter by this Court.

6. It is, accordingly, dismissed.

(Rajesh Kumar Verma, J)

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AFR/NAFR	NAFR
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