

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3829 of 2025

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Anchal Devi wife of Gandhi Mahto, resident of village Gidharpur, Ward No. 1, P.S. Barahiya, District Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through The Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Director, Panchayati Raj Department, Government of Bihar, Patna.
4. The Additional Secretary, Panchayati Raj Department, Government of Bihar, Patna
5. The District Magistrate, Lakhisarai.
6. The Deputy Development Commissioner, Lakhisarai.
7. The Additional Collector cum Chief Executive Officer, Lakhisarai.
8. The District Panchayati Raj Officer, Lakhisarai.
9. The Executive Engineer, Area Development Organization, Lakhisarai.
10. The Block Development officer, Block Barahiya, District Lakhisarai.
11. The Mukhiya, the Gram Panchayat Raj Girdharpur Block, Barahiya, District Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate
For the State : Mr. Uday Shankar Sharan Singh, GP 19

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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) A certiorari setting aside the
decision of district level implementation and
monitoring committees sofar as Gram Panchayat
Raj Girdharpur, Block Barahiya is concerned
under Chairmanship of Ditrict Magistrate,
Lakhisarai issued and communciated vide memo*



no. 1120 dated 27.09.2022 whereby and where under a decision has been taken to construct the Panchayat Sarkar Bhawan of Gram Panchayat Raj Girdharpur under a Panchayat Raj Girdharpur under a far away village Nezai under conspiracy and illegal influence of some person while there has been a proposal of about four plots/ piece of land in village Girdharpur which is the head quarter of said Gram Panchayat, but on a frivolous ground such proposal has been stood ignored based upon status regarding one piece of land which is said to be on Bank of river which is also false statement.

(ii) A mandamus commanding and directing the respondent concern to allow construction Panchayat Sarkar Bhawan at Head quarter of Gram Panchayat Raj Girdharpur, Block, Barahiya, District Lakhisari upon any of the proposed land duly submitted before the said District Committee by the Gram Panchayat Committee but under some illegal influence and conspiracy with malafide intention, the said Panchayat Raj Bhawan is being taken to another village which is against the provision and rules in this regard.

(iii) For any other relief/reliefs for which the present petitioner found entitled too under the facts and circumstances of the case and in the interest of justice.

3. Learned counsel for the petitioner submits that the Panchayat Sarkar Bhawan has to be constructed under governmetn scheme in Panchayat Raj Girdharpur, Block Barahiya. A spot verification regarding construction of Panchayat Sarkar Bhawan was also done by Anchal Amin for the purpose of Panchayat Raj Bhawan Girdharpur in the year 2011. As per report of the Anchal Amin, the Circle Officer has rendered the land bearing description as Mauza Girdharpur,



Thana No. 173 Khata No. 75 Khesra Mp/463 Area of 48.5 decimal on 28.4.2011. He further submits that the reasons best known to the respondents, the construction of the said proposed Panchayat Raj Bhawan, Gram Panchayat Girdharpur could not get approved by the competent authority and the district level implementation and monitoring committee under the Chairmanship of District Magistrate has taken a decision regarding the construction of Panchayat Sarkar Bhawan of Mauza Panchayat Raj Girdharpur in a far away village Nezai which is situated very far from Panchayat head quarter.

4. Learned counsel for the State has referred to the procedure of the district level implementation and monitoring committee which suggest that the land which was proposed by the Circle Officer is situated near the river and apart from that as per the guideline of the State Government, the District Magistrate is a competent authority to take decision with regard to construction of the Panchayat Sarkar Bhawan in question.

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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