

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3967 of 2025

Ashok Kumar Giri Son of Ram Sagar Giri @ Mantun Giri Resident of Village- Mau Dhaneshpur Police Station Vidyapati Nagar District-Samastipur, at Present Resident of Village-A-110, Agar Nagar-3 Suleman Nagar, Kirari, North West Delhi. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
4. The Director, Secondary Education, Bihar, Patna.
5. The District Magistrate, Samastipur.
6. The District Education Officer, Samastipur.
7. The District Panchayati Raj Officer, Samastipur.
8. The Circle Officer, Vidyapati Nagar, Samastipur. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Ramadhar Singh, Government Pleader-25

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 17-03-2025

Heard Mr.Sanjay Kumar, learned counsel for the petitioner and Mr. Ramadhar Singh, learned Government Pleader-25 for the State.

2. Petitioner has challenged the legality/validity of letter No.15 dated 02.01.2025 issued by the respondent No.5 addressed to the respondent No.3 whereby he sought inter departmental transfer/no objection regarding construction of the Panchayat Sarkar Bhawan in Mauza-Mau Dhaneshpur South, Thana No. 84, Khata No. 1881, Khesra No. 3619 (Area: 73 Decimal, Type: 1 Bhit) and Mauza Mau Dhaneshpur South, Thana No. 84, Khata



No. 1881, Khesra No. 3618 (Area: 62 Decimal, Type: 2 Bhit). The aforesaid lands are registered in the name of Sant Baba Ramta Ram High School and petitioner has prayed for issuance of a direction to shift the aforesaid construction of Panchayat Sarkar Bhawan to suitable government land.

3. Learned counsel for the State has taken a preliminary objection with respect to maintainability of the writ application and submits that from a bare perusal of the letter dated 02.01.2025 issued by the respondent No.5 which suggests that the respondent No.5 has sought inter-departmental transfer/no objection regarding construction of Panchayat Sarkar Bhawan and the petitioner has filed the writ application in haste and apart from that, the Division Bench of this Hon'ble Court has been pleased to dismiss the writ application of **Naveen Kumar & Ors. Vs.The State of Bihar** on **07.04.2023** passed in **CWJC No.3282 of 2023** and relevant paragraphs of this judgment, which reads as follows:

“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.”

4. In view of the circular of the State Govt., it appears that the construction of the Panchayat Sarkar Bhawan is the domain of the State Government/elected representative of the area and apart from that, the Division Bench of this Hon’ble Court, as aforesaid, has been pleased to decline the discretionary jurisdiction in respect of the policy matters.

5. No case is made out for interference of this Court. Accordingly, this writ application stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.03.2025
Transmission Date	NA

