

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3764 of 2025

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Suresh Kumar Singh @ Suresh Singh S/o Ram Sevak Singh, R/o village and
P.O. -Bhutahi, P.S. and Block - Sonbarsa, Dist. - Sitamarhi, Pin code -843317.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Bihar Government, Patna.
2. The Principal Secretary, Land and Revenue Department Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department Bihar, Patna.
4. The District Magistrate Cum Collector, Sitamarhi.
5. The District Panchayati Raj Officer, Sitamarhi.
6. The Block Development Officer, Block - Sonbarsa, Dist. Sitamarhi.
7. The Circle Officer, Sonbarsa, District - Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 20-11-2025 The present writ application has been filed for the

following relief:

*1. That, this is a writ application in the form of PIL for
issuance of the appropriate writ/ writs/ direction/ directions/
orders prohibiting the state respondents from making the
Panchayat Bhawan upon the plot bearing Khesra No.-
4961, Khata No.-1990 having area-1 acre 27 decimal,
situated in village & Mauza- Bhutahi, Anchal- Sonbarsa,
Revenue Thana No.-33, District- Sitamarhi which plot is in
name of play ground of Adarsh Middle School, Bhutahi
Bazar, Bhutahi, and this plot is also used by the public of
locality for the Puja-Path and Hindu festivals & also at the
time of marriage.*

2. From the perusal of the records, it appears that the



Headmaster of the Adarsh Middle School, Bhutahi Bazar, Anchal Sonbarsa, Sitamarhi had sent a letter dated 20.01.2025 to the District Magistrate, Sitamarhi stating that he had come to know from unknown sources that a Panchayat Bhawan was proposed to be constructed adjacent to the school. On the basis of the said information, the present Public Interest Litigation has been filed.

3. A counter affidavit has been filed on behalf of respondent Nos. 4 to 7, the relevant paragraph of which is extracted hereinbelow:

7. That the averments made by the petitioner in Paragraph No.5 of the instant writ petition is hereby admitted. However, it is pertinent to state here that it is an admitted fact that the aforesaid Khesra No. 4961 is a huge plot with an area of 1 Acre 27 Decimal. The Panchayat Sarkar Bhawan is being constructed only over an area of 42 decimal. Hence, there are sufficient areas still left, and the plot in question is most suitable for the construction of Panchayat Sarkar Bhawan.

It is pertinent to state here at this stage that a Division Bench of the Hon'ble Patna High Court in CWJC No. 23833 of 2013 by order dated 09.12.2013 has opined that the location of Panchayat Bhawan is more of an executive policy matter and it is not for the Court to decide whether one location is better than the other and in the recent order passed by the Division Bench of this Court in CWJC No. 3282 of 2023 decided on 07.04.2023 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.”

4. In view of the discussions made above, it is clear that the site selection for construction of such government buildings is a policy matter of the local Government. The concerned authorities are expected to keep the interest of public in mind, while taking such decisions.

5. Considering the facts and the submissions made, we find no reason to pass any further order, and accordingly, the present writ application stands disposed of.

6. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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