

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4087 of 2025

Nilesh Kumar S/o-Late Gupteshwar Singh R/o Village- Asha Bigha, P.S-
Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Panchayat Raj Department (PRD) Patna, Bihar.
2. The Collector-Cum-District Magistrate, Aurangabad.
3. The District Panchayat Raj Officer (DPRO), Aurangabad.
4. The Circle Officer, Rafiganj, Aurangabad.
5. Present Mukhiya of Kotwara Panchayat, Rafiganj, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

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

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 24-11-2025 The present writ application has been filed for the
following reliefs:

*(I) To set aside the order dated 16.10.2023
passed by the District Magistrate-cum-Collector,
Aurangabad vide memo no. 1853 wherein the learned
District Collector, Aurangabad has acceptance of sum
in Aam Sabha Meeting to the construction of
Panchayat Bhawan in Kotwara Panchayat, Mauza-
Kotwara, Rafiganj, Thana No.-453, Block Rafiganj,
Plot No. 77, Khasra No. 423, area 56 decimal land*



which has been executed the sale deed by the petitioner by name of the Bihar State Governor.

(II) To direct the respondent authorities to stay the construction of Panchayat Bhawan in Mauza Amarpura, Rafiganj, Aurangabad which has been forcefully constructed by the Present Mukhiya namely Bindeshwar Kumar Singh in his native village-Kotwara Panchayat, Rafiganj, Aurangabad.

(III) To direct the respondent authorities to construct the Panchayat Bhawan in Head Quarter of Panchayat which is so called Panchayat Mukhyalaya.

(IV) To direct the respondent authority that the measurement has already been done by the Circle Officer, Rafiganj, Aurangabad for construction of Panchayat Bhawan in Mauza- Kotwara, Thana no. 453, Khata No. 77, Khasar No. 423, area 50 decimal land.

(V) To direct the respondent authority to follow the guideline for construction of Panchayat Bhawan wherein it has disclosed that the Panchayat Bhawan should be constructed at head quarter of Panchayat, population of Schedule caste should be more than other Panchayat, nature of land etc.

(VI) To direct the respondent authority who has wasting unnecessary huge Public Money under the construction of Panchayat Bhawan in his native village.

(VII) To direct the respondent authority for issuance of writ in nature of certiorari or any appropriate writ/writs, order/orders or direction.

2. A counter affidavit has been filed on behalf of respondent Nos. 2 to 4, the relevant paragraphs of which are extracted herein below:

“9. That it is humbly submitted that as a matter of fact the construction of Panchayat Sarkar Bhawan is an ambitious and flagship scheme of State Government and for which the State Government has



decided to construct Panchayat Sarkar Bhawan in each and every Gram Panchayat providing there all the arrangements and facilities to run smoothly the offices of the Mukhiya/Sarpancha/Gram Kachahari and other offices.

10. That it is pertinent to mention here that for construction of Panchayat Sarkar Bhawan the Panchayat Raj Department, Government of Bihar issued guidelines time to time for the selection of suitable land to construct the Panchayat Sarkar Bhawan.

11. That it is humbly submitted that the Panchayat Raj Department, Government of Bihar has already issued a clear guideline in this regard vide Memo No. 7583, dated 26.11.2019 clarifying therein that the Panchayat Sarkar Bhawan will be constructed at the headquarter of the Panchayat, if the land is not available in the Panchayat head quarter, the other most populated village of the Panchayat shall be given preference. It is further provided therein that if the proposed land is Gairmajarua Aam land. The circle officer will issue a utility certificate to the said land. Thereafter the Circle Officer shall send a proposal to the District Panchayat Raj Officer in a specified form and thereafter final decision will be taken by the District Magistrate with regard to final selection of land to construct the Panchayat Sarkar Bhawan.

12. That it is humbly submitted that as a matter of fact the village Kotwara is headquarter of Gram Panchayat Kotwara under Rafiganj Block and for construction of Panchayat Sarkar Bhawan at head quarter, the Respondent No. 4, Circle Officer, Rafiganj called for a report from the concerned Halka Revenue Karamchhari regarding availability of suitable land at headquarter and pursuant to that the required report was submitted by the Halka Revenue Karmchhari, stating therein that no suitable government land is available in Panchayat Headquarter village Kotwara and under such circumstances one raiyat namely Nilesh Kumar (Petitioner herein) submitted an application supported with affidavit stating that he is ready to donate his raiyati land in favour of Hon'ble



Governor, Bihar State for construction of Panchayat Sarkar Bhawan bearing Khata No. 77, Plot No. 423, Area 56 decimal situated in headquarter village-Kotwara, Thana No. 453, Block-Rafiganj, District-Aurangabad. However, as per guideline of Panchayati Raj Department, Patna Letter No. 11510, dated 06.12.2024 and Letter No. 8354 dated 30.08.2022 private donated land for construction of Panchayat Sarkar Bhawan can only be used if there is no suitable government land in any of the village of the Gram Panchayat. The Halka Revenue Karmchhari further reported that a piece of suitable land bearing Khata No. 22, Plot No. 207, Area 38 decimal, Khata No. 23, Plot No. 210, Area 1.32 Acre situated in Mouza-Garawa, Thana No. 451 and a piece of land bearing Khata No. 27, Plot No. 576, Area 1.22 Acre situated in Mouza-Amarpura, Thana No. 649 is available for construction of Panchayat Sarkar Bhawan in Kotwara Panchayat.

13. That thereafter the Respondent No. 4, Circle Officer, Rafiganj issued no objection certificate on 12.06.2023 and a proposal was sent (along with N.O.C., enquiry report; check list of Halka Karmchhari/Revenue Officer) to the District Panchayat Raj Officer, Aurangabad vide Letter No. 275 dated 12.06.2023 of B.P.R.O., Rafiganj.

14. That thereafter a review meeting was convened under the Chairmanship of District Magistrate, Aurangabad on 13.10.2024 in which the proposal for construction of Panchayat Sarkar Bhawan at the proposed land bearing Khata No. 22, 23, 27, Plot No. 207, 210, 276, Area 50.37 decimal of Mouza-Garwa and Amarpura was approved and the copy of proceeding dated 16.10.2023 was communicated to the all concerned for necessary action vide Memo No. 1853/Pan., dated 16.10.2023 of District Magistrate, Aurangabad.

15. That thereafter the proposed land was approved by the department and after completing all necessary process, the construction work of Panchayat Sarkar Bhawan of Gram Panchayat Kotwara was started at the proposed land situated at Village-Garwa



and Amarpura.

16. That thereafter the petitioner filed a petition before the District Magistrate, Aurangabad raising objection over the approved land stating therein that the proposed/approved land for construction of Panchayat Sarkar Bhawan is not situated in headquarter village-Kotwara.”

3. Upon persual of materials on record, it is evident that the State Government/competent authorities have already taken a decision with respect to site selection and construction of Panchayat Bhawan.

4. Whether the Panchayat Bhawan is constructed at site ‘A’ or ‘B’ is an issue best left to the people representatives in the local self-government institutions as well as the local authorities to decide based on various factors/parameters. Such decision is essentially a matter of policy.

5. Further, a Coordinate Bench of this Court in C.W.J.C. No. 8361 of 2023, has held that construction of Government buildings like Panchayat Bhawan etc. is a matter of policy and cannot be subject to P.I.L. The relevant paragraph of the judgment is reproduced as under:-

“6.Further in the opinion of this Court, the decision with respect to construction of Government buildings like the Panchayat Sarkar Bhawan etc., which is carried out in the furtherance of the policy decision of the State Government cannot be a subject



matter of public interest litigation.”

6. The writ application is, accordingly, disposed of.

7. Pending application(s), if any, stands disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Anushka/-

U			
---	--	--	--

