

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4041 of 2025

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Shambhu Paswan S/o Mahendra Paswan, R/o village Khairwa, P.O.
Bhiswa Bazar, P.S. - Bela, Anchal - Parihar, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Bihar Government, Patna.
2. The Principal Secretary, Panchayati Raj Department Government of Bihar, Patna.
3. The District Officer, Sitamarhi.
4. The District Panchayati Raj Officer, Sitamarhi.
5. The Block Development Officer, Parihar, Sitamarhi.
6. The Circle Officer, Parihar, Sitamarhi.
7. The Forest Divisional Officer, Sitamarhi.
8. Indrajit Paswan (Mukhiya) S/o Raj Narayan paswan, Resident of Village Khairwa, P.S. Bela, Dist. Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. Virendra Kumar, Advocate Mr. Pramod Kr. Singh, Advocate Mrs. Bhanu Priya, Advocate
For the Respondent/s :	Mr. P.K. Shahi, AG

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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 21-11-2025 Following is the relief sought for in the present writ
application:-

*“1. That, this writ application is filed
in the shape of the ‘Public Interest Litigation’
for issuance of the appropriate writ/ writs/
direction/ directions/ order/ orders commanding
the respondents to make/construct the
Panchayat Bhawan on the land within area of*



Panchayat of Khairwa Panchayat as per Government Rule, as upon the prescribed Plot no. 1775, Khata no. 956, area-0.50 decimal, Thana no.- 83, by the Survey Officer, Anchal Amin, because arbitrarily and illegally this Panchayat Bhawan is now being made at 3 K.M. far from the village-Khairwa, in extremely a lonely place at the bank of a river- 'Barbe', the influence of Respondent no.- 8 Indrajit Paswan (Mukhia) and in collusion of the Respondent no. 6 Circle Officer Parihar and the concerned Contractor also for the ulterior motive, which Panchayat Bhawan at 3 KM far from Panchayat village Khairwa at the bank of a river Barbe will be non-communicable, not beneficial for the concerned Public of Khairwa Panchayat and that will also not under the object of the court scheme."

2. Following contentions have been made in paragraph no. 11 of the counter affidavit filed on behalf of Respondent Nos. 3 to 6:

"11. That the land selected and duly approved, vide order contained in Memo No. 2028 dated 12.06.2025, for the construcion of the Panchayat Sarkar Bhawan corresponds to Khata No. 238, Khesra No. 1049, measuring 38 decimals, situated in Mauja- Bhiswa, under Revenue Thana No. 84. The said land is well connected by road, and a substantial portion of the construction work has already been completed on-site. In contrast, the alternative land proposed by the petitioner measures only 30 decimals as per the R.S. Khatiyani and is therefore, inadequate for the construction of the Panchayat Sarkar Bhawan, which requires 38 decimals of land."

3. Considering paragraph no. 11 of the counter



affidavit and the nature of relief sought for, it is advisable that the local authority should take a decision with respect to the site selection and construction of the Panchayat Sarkar 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. Since, a representation has already been made to Respondent Nos. 3 and 7, the Respondent No. 3 is directed to look into the matter and pass an appropriate order in accordance with the law.

7. The writ application is, accordingly, disposed of



with aforesaid observation and direction.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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