

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4990 of 2025

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Upendra Prasad Mandal Son of Satya Narayan Mandal Resident of Village-
Belahi Bhawanipur, P.S.- Laukahi, District- Madhubani

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Deputy Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Darbhanga.
5. The District Magistrate, Madhubani.
6. The District Panchayati Raj Officer, Madhubani.
7. The Sub-Divisional Officer, Phulparas, District-Madhubani.
8. The Deputy Collector Land Reforms, Phulparas, District-Madhubani.
9. The Block Development Officer, Laukahi, District-Madhubani.
10. The Circle Officer, Laukahi, District-Madhubani.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Advocate
For the Respondents : Mr. P.K. Shahi, A.G.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

3 04-12-2025 Following is the relief sought for in the present writ
application:-

“(A) For issuance of a direction(s),
order(s) or writ(s) including writ in the nature of
Mandamus commanding the concerned respondent
authorities to take appropriate step for the
construction of Panchayat Sarkar Bhawan of Gram



Panchayat Belahi Bhawanipur under Laukahi Block in the district of Madhubani at Mauza - Belahi Bhawanipur bearing Thana No. 82. Khata No. 175. Khesra No. 633 (old), 999 (New), 1000 (New) under Laukahi Anchal in the district of Madhubani (hereinafter referred as the "proposed land for the construction of Panchayat Bhawan" in short), whereby and where under admittedly the land was donated in the name of His Excellency the Governor, Bihar by registered deed dated 28/09/2012 and also there is sufficient land for the same but despite availability of all amenities the competent authorities are not taking any action in the matter.

(B) Any other writ / writs for granting any other relief / reliefs for which the petitioner is found entitled to in the facts and circumstances of the present case.”

2. A counter-affidavit has been filed on behalf of Respondent Nos. 4 to 9. Following statement has been made in Para-13, which is held as under:-

“13. That the allegation of the petitioner is made in Para-14 of the writ petition is the wrong and distorted version of facts for the purpose of this writ petition. It is submitted that the construction of Panchayat Sarkar Bhawan has been started on the land transferred to Panchayati Raj Department, Bihar, Patna vide Memo no. 1785 dated 13.07.2024.”

3. From perusal of the statement made in Para-13 of



the counter-affidavit, it is evident that the work is already in progress.

4. Considering the reliefs sought for, it is noteworthy that the local authority is the competent body to take decision with respect to the site selection and construction of the Panchayat Bhawan.

5. 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.

6. 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.”

7. In view of the statements made in the counter-



affidavit and the discussions made above, we are of the view
that no further order is required to be passed in the present case.

8. With the aforesaid observation, the writ application
stands disposed of.

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

(Sudhir Singh, ACJ)

(Alok Kumar Pandey, J)

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