

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4703 of 2025

1. Indra Devi wife of Shri Baban Paswan, (Elected Up Mukhiya), Resident of Village- Jalapur, P.O.- Ghopokhar, Police Station- Kamchat (Sahar), District- Kaimur.
2. Kanchan Devi, Wife of Shri Bindeshwar Paswan, (Elected Member Ward No. 8), Resident of Village- Jalalpur, P.O.- Ghopokhar, P.S.- Kaimur, District- Kaimur.
3. Nitu Kumari, Wife of Ranjan Kumar Sah, (Elected Member Ward No. 11), R/o Village- Thakurhat, P.O.- Sabar, P.S.- Thakurahat, District- Kaimur.
4. Om Prakash Paswan, Son of Hari Dayal Paswan, (Elected Ward Member), Resident of Village- Basini, P.O.- Pauhaltabaghai, Police Station- Rampur, District- Kaimur (Bhabua).
5. Ramakant Dubey, Son of Dharamraj Dubey, (Elected Member Ward No. 4), Resident of village Jalpur, P.S.- Kaimur District- Kaimur.
6. Meera Devi, Wife of Anil Ram, (Elected Member Ward No. 6) Residence of Village- Lili Kaimur Bhabua Post Office- Police Station.
7. Malti Devi, Wife of Vijay Bahadur Paswan, R/o Village- Bhaluhan Post Office- Sabar Pali, Police Station, District- Kaimur.
8. Durga Devi, Wife of Rameshwar Pandey, (Elected Member Ward No. 2) R/o Village- Basini, Post Office- Nauhatta, Police Station- Karmachat, District- Kaimur.
9. Sudarsha Vishwakarma, Son of Rambachan Vishwakarma, Residence of Village- Jalalpur, Post Office- Ghopokhar, Police Station- Karamchat (Sahar) District- Kaimur.
10. Deepak Ram, Son of Shyam Bihari Ram, Residency of Village- Jalalpur, Post Office- Ghopokhar, Police Station- Karamachat (Sahar), District- Kaimur.
11. Sugriv Paswan, Son of Gudari Paswan, Residency of Village- Jalalpur, Post Office Ghopokhar, Police Station- Karamachat (Sahar), District- Kaimur.
12. Mahendra Prasad Singh, Son of Bhola Prasad Singh, Residency of Village- Jalalpur, Post Office Ghopokhar Police Station- Karamachat (Sahar), District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The District Magistrate, Kaimur at Bhabhua.
3. The District Panchayat Officer, Kaimur.
4. The District Programme Officer, Kaimur.
5. The Deputy Development Commissioner, Kaimur.
6. The Block Development Officer, Rampur, Kaimur.



7. The Circle Officer, Rampur, Kaimur.
8. The Executive Engineer, Department of Building Construction, Kaimur Division, Kaimur.
9. The Mukhiya, Village- Nisija, Block- Rampur, Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Kumar, Advocate
For the State	:	Mr. Raghwanand, GA-11
	:	Mr. Prabhat Kumar, AC to GA-11

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-03-2025 Heard Mr. Shashi Bhushan Kumar, learned counsel

for the petitioners and Mr. Raghwanand, learned counsel

appearing for the State.

The present writ petition has been filed for following
reliefs:-

- (i) For issuance of writ of mandamus commanding the respondents to construct Panchayat Building in its Headquarter, Jalalpur as Government had taken a decision to construct Panchayat Building at Jalalpur and list has been issued but in connivance with the Mukhiya & the Circle Officer, the Panchayat building is being constructed in the village-Nisiya, Police Station- Bellow in the Circle Officer, Rampur at bank of River*
- (ii) For issuance of appropriate writ for stopping of the construction of Panchayat building at Nisiya Village, as it is being constructed against the will and interest of*



majority of the public of the Jalalpur Panchayat.

(iii) For the other reliefs for which petitioners are found entitle in the facts and circumstances of the case.

3. Learned counsel for the petitioners submits that Government has taken decision to construct Panchayat Bhawan. He further submits that the Mukhiya of the Nisiya Village in connivance with the Circle Officer shifted the place of construction of Panchayat Building from Jalalpur to Nisiya for their personal interest.

4. Learned counsel for the State has taken preliminary objection with respect to maintainability of the writ petition and submits that as per the guidelines of the State Government with respect to construction of the Panchayat Bhawan vide dated 07.07.2015, paragraph-4 of that letter suggest that-

"माननीय उच्च न्यायालय पटना में पंचायत सरकार भवन के स्थल आदि से संबंधित दायर रिट याचिका सी०डब्लू० जे०सी० सं० 18446/2013 भूप नारायण ठाकुर बनाम राज्य सरकार एवं अन्य में खंडपीठ द्वारा पारित न्यायादेश दिनांक 26.09.2013, सी०डब्लू० जे०सी० सं० 23833/2013 रामकिशोर ठाकुर एवं अन्य बनाम राज्य सरकार एवं अन्य में खंडपीठ द्वारा पारित न्यायादेश दिनांक 0912 2013 तथा सी०डब्लू० जे०सी० सं० 19585/2013 राजपाल मिश्रा बनाम राज्य सरकार एवं अन्य में एकलपीठ द्वारा पारित न्यायादेश



दिनांक 21:01 2015 में यह प्रेक्षण किया गया है कि पंचायत सरकार भवन की अवस्थिति तथा निर्माण आदि के संबंध में निर्णय लेना कार्यपालिका नीति का विषय है और इसमें न्यायिक हस्तक्षेप वांछनीय नहीं है।"

5. Learned counsel for the State further submits that apart from that the Division Bench of this Court in CWJC No. 3282 of 2023 dated 07.04.2023 has dismissed the writ petition 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.”

6. In view of the aforesaid, there is no merit in the writ petition.

7. Accordingly, the writ petition is dismissed.

(Rajesh Kumar Verma, J)

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