

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4647 of 2024

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Umesh Prasad Son of Late Karu Yadav Resident of Village-Dhiroundh, Police Station-Sirdala, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Revenue of Land Reforms Government of Bihar.
2. The Commissioner, Magadh Commissionery, Gaya.
3. District Magistrate Cum Collector, Nawada.
4. The District Panchayat, Raj Officer, Nawada.
5. The Executive Engineer, Local Office, Planning and Development Department, District Nawada.
6. The Sub-Divisional Officer, Rajouli
7. The Circle Officer, Sirdala, Nawada.
8. Block development Officer, Sirdala, Nawada.
9. Mukhiya, Dhiroundh Panchayat.
10. Mohammad Rahis Kha, (Contractor) Resident of Panjiyar, Par Nawada, P.S. Town Thana, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar, Adv. Mr. Prashant Sinha, Adv.
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9 Ms. Sushmita Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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| 3 | 28-01-2025 | 1. Heard learned counsel for the petitioner and learned SC-9 Mr. Kinkar Kumar, assisted by Ms. Sushmita Sharma. |
| | | 2. The learned counsel for the petitioner submits that Panchayati Raj Department, Government of Bihar vide letter |



No.8354 dated 30.08.2022 (Annexure-1) issued guidelines for identification of land for construction of Panchayat Sarkar Bhawan, the D.M. was required to select the gram panchayat for construction of Panchayat Sarkar Bhawan, in terms of the aforesaid guidelines, further the Panchayat Sarkar Bhawan were to be normally constructed at the headquarter village of the Gram Panchayat and in case land is not available in the village headquarter then the land was to be identified for such purpose in any other village within the same panchayat. At this stage, the learned counsel appearing on behalf of the State submits that the guidelines does not even remotely suggest that the Panchayat Sarkar Bhawan has to be built in the headquarter of the village rather the guidelines suggests that generally the Panchayat Sarkar Bhawan is to be built at the headquarter of the village but then it has been left open for the District Magistrate to choose a place within the panchayat for construction of Panchayat Sarkar Bhawan for the convenience of the entire panchayat.

3. The learned counsel appearing on behalf of the petitioner next submits that the Circle Officer, Sirdala identified a land for the said purpose pertaining to Thana No.91, Khata No.725, Plot No.3134, Area 1 Acre 18 decimal at village- Nawabganj, Hajipur, District- Nawada for Gram Panchayat



Dhiroundh (hereinafter referred as the first land), the same was opposed by the local villagers, as village Nawabganj, Hajipur was two kilometer away from the headquarter of Gram Panchayat Dhiroundh. It appears that the D.D.C., Nawada vide his Letter No.752 dated 24.03.2023 (Annexure-3A) directed the Circle Officer, Sirdala to send a revise proposal, the Circle Officer, accordingly, vide his Letter No.318 dated 02.05.2023 (Annexure-3B) sent a revised proposal with regard to land pertaining to land bearing Thana No.91, Khata No.725, Khesra No.625, 626 and Khata No.726, Khesra No.599, total area 0.51 acre at village Dhiroundh (hereinafter referred as the second land). It is further submitted that the Circle Officer vide his Letter No.115 dated 09.09.2023 (Annexure-2) again recommended the same land pertaining to Khata No.725 and 726.

4. It is next submitted that thereafter the Executive Engineer, Division-1, Nawada floated tender notice dated 25.10.2023 (Annexure-4) for construction of Panchayat Sarkar Bhawan in various Gram Panchayat of Nawada district including Gram Panchayat Dhiroundh. The learned counsel next submits that the contractor, who has submitted the bid, offered for construction of Panchayat Sarkar Bhawan over the first land,



which was objected by the villagers and on basis of objection by the villagers. It is next submitted that the contractor had absolutely no business to change the place of construction of Panchayat Sarkar Bhawan. The learned counsel for the petitioner further submits that a counter affidavit has been filed by the State and the petitioner has filed a reply to the counter affidavit, wherein at para-16 it has been specifically pleaded that land bearing Thana No.91, Khata No.725, Plot no.3134, Area 1 acre 18 decimal situated at village Hajipur is a raiyati land, as such, Lato Pandit and other have filed Title Suit No. 290/2024 against the Government of Bihar, further one of the plaintiffs of T.S. No. 290/2024 has filed a writ application being C.W.J.C. No.6325/2024 against the acquisition of the land by the Government for construction of Panchayat Sarkar Bhawan, over the said plot, which is pending adjudication. The learned counsel for the petitioner thus submits that when the Circle Officer based on the objection of the villagers had identified a new plot of land i.e. the second land, then where was the occasion for the authorities again to choose the same land i.e. the first land for constructing the Panchayat Sarkar Bhawan, which was objected by the villagers and is a disputed plot, as Title Suit No.290/2024 is pending adjudication, in which State



of Bihar is also a party.

5. The learned SC-9 vehemently rebuts the said submission of the learned counsel appearing on behalf of the petitioner and submits that earlier the Circle Officer, who had identified the second land for construction of Panchayat Sarkar Bhawan had submitted a vague report. It is further submitted that the Circle Officer has also been show-caused by the Collector that as to why such a vague and cryptic report was sent. It is also submitted that in terms of the guidelines, it is not that the Panchayat Sarkar Bhawan shall be constructed in the headquarter of the village, it depends on several factors and the Collector has been authorized to ensure that the land within the panchayat is selected for the purposes of construction of Panchayat Sarkar Bhawan and for the said purpose the Collector had constituted a three men committee to inquire with respect to the first land, the three men committee after inquiry came to a considered conclusion that the land identified earlier i.e. the first land for construction of Panchayat Sarkar Bhawan was fit for being used for construction of Panchayat Sarkar Bhawan. The learned State counsel further submits that the title suit has been filed only to delay the process when it is an admitted fact that the land pertaining to Thana No.91, Khata No.725, Plot



No.3134, Area 1 acre 18 decimal (i.e. a first land) is a government land. It is also submitted that if the petitioner is aggrieved by the fact that raiyati land is being used for construction of Panchayat Sarkar Bhawan, in that event, the plaintiff of T.S. No.290/2024 should seek injunction against the State authorities but then in name of filing a title suit, the construction of Panchayat Sarkar Bhawan should not be stopped. It is also submitted that the first land was identified for construction of Panchayat Sarkar Bhawan in the year 2022 and the same was objected by the villagers on the ground that the land is two kilometer away from the village headquarter and not on the ground that land is a raiyati land, which amply demonstrates that the T.S. No.290/2024 has been filed only to create obstruction in construction of the Panchayat Sarkar Bhawan. It is submitted at the cost of repetition by the learned State counsel that the plaintiff of T.S. No.290/2024 should seek injunction.

6. After hearing the learned counsel for the parties, the Court completely agrees with the submissions made by the learned counsel appearing on behalf of the State that it is for the Collector, in terms of the guidelines to select the place within the panchayat for the purposes of construction of Panchayat



Sarkar Bhawan and the first place which was selected by the Circle Officer for construction of Panchayat Sarkar Bhawan was fit for the purposes of construction of Panchayat Sarkar Bhawan but on objection of the villagers that the land is two kilometer away from the village headquarter, the place was changed but a vague report was submitted by the Circle Officer with respect to the second land, based on which, a show-cause has been issued against him but subsequently when the construction started the first land which was selected was permitted to be used for construction of Panchayat Sarkar Bhawan as three members committee also had given a go ahead, as such, the Court finds no merit in the writ application.

7. The writ application is dismissed.

(Satyavrat Verma, J)

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