

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4982 of 2025

=====

Mahendra Prasad Singh Son of Vishwanath Singh, Resident of Village-
Bhottichak, Surihari, P.O. - Surihari, P.S. - Auravpur, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. The District Magistrate, Banka.
5. The Deputy Development Commissioner-Cum-Chief Executive Officer, Zila Parishad, Banka.
6. The Zila Panchayat Raj Officer, Banka.
7. The Block Development Officer, Amarpur Block, Banka.
8. The Circle Officer, Amarpur, District - Banka.
9. The Block Panchayat Raj Officer, Amarpur, Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Advocate
For the Respondent/s : Mr. Ajay Behari Sinha, GA 8

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present writ petition has been filed for the
following reliefs:

*(i) For issuance of writ in the
nature of mandamus commanding and
directing the Respondent to construct
Panchayat Banka in Mauza- Surihari in
Sultanpur Panchayat vide Amarpur Anchal/
Block on the available Government Land
uses several temples and other Government
building are constructed.*



(ii) For holding and declaration that no Mauza Surihari in Sultanpur Panchayat, the available Government Land is fit for construction of Panchayat Bhawan for that there is resolution of DM, Banka and NPD granted by CD, Amarpur.

3. Learned counsel for the petitioner submits that the Panchayat Sarkar Bhawan was being constructed in Mauza Surihari under Amarpur Block. The petitioner and other co-villagers filed an application for construction of Panchayat Bhawan in Sultanpur Panchayat under Amarpur Block. Thereafter, the petitioner and other villagers came to know that the no objection certificate is given regarding construction of Panchayat Sarkar Bhawan in Surihari Mauza- 276, Khata- 109, Khesra- 766, Rakwa- 30 decimal and of 81 decimal. The petitioner and other co-villagers also filed an application before the District Magistrate, Banka and requested for proper measurement of the lands and to take appropriate action against their application.

4. Learned counsel for the State has taken preliminary objection with regard to maintainability of the writ petition and submits that number of orders have been passed by Division Bench of this Court that the location of Panchayat Bhawan is for the executive to decide and not for the Court to supplement its



opinion. It shall be wholly inappropriate of this Court to approve executive power to decide the location of Panchayat Bhawan and in the present case the grievance of the petitioner is that the Panchayat Sarkar Bhawan is being constructed at different plot. Although, under the chairmanship of D.M. Banka, a meeting was held and decision was taken for construction of the Panchayat Bhawan in another location and Division Bench of this Court in CWJC No. 23833 of 2013 by order dated 09.12.2013 has opined that the location of Panchayat Bhawan is more of an executive policy matter and it is not for the Court to decide whether one location is better than the other and in the recent order passed by the Division Bench of this Court in CWJC No. 3282 of 2023 decided on 07.04.2023 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.”

5. Learned counsel for the State further submits that apart from 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 09.12.2013 तथा सी०डब्लू० जे०सी० सं० 19585/2013 राजपाल मिश्रा बनाम राज्य सरकार एवं अन्य में एकलपीठ द्वारा पारित न्यायादेश दिनांक 21.01.2015 में यह परेक्षण 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।"



6. Considering the aforesaid facts as well as the Division Bench order of this Hon’ble Court, no case is made out for interference of this Court.

7. Accordingly, this writ petition is dismissed.

(Rajesh Kumar Verma, J)

Vanisha/-

U			
---	--	--	--

