

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5524 of 2025

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1. Sabiya Devi, Wife of Jagdish Kora, resident of Village-Kora, P.O. Ghoghi, P.S.-Piri Bazar, District-Lakhisarai, presently Member of Territorial Constituency No. 27 of Block Panchayat Samiti, Suryagarha, District-Lakhisarai.
 2. Arvind Kumar, Son of Karelal Saw, resident of Village and P.O. Ghoghi, P.S.-Piri Bazar, District-Lakhisarai, Member of Executive Committee of Gram Panchayat Raj, Rajpur Chaura, Block-Suryagarha, District-Lakhisarai.
 3. Rinku Devi, Wife of Prafulla Kumar Singh, resident of Village-Rajpur, P.S. Piri Bazar, District-Lakhisarai, Member of Executive Committee of Gram Panchayat Raj, Rajpur Chaura, Block-Suryagarha, District-Lakhisarai.
 4. Pammi Devi, Wife of Rajiv Ranjan Kumar, resident of Village-Rampur Chora, P.O. and P.S. Piri Bazar, District-Lakhisarai, Member of Executive Committee of Gram Panchayat Raj, Rajpur Chaura, Block-Suryagarha, District-Lakhisarai.
 5. Ranju Devi, Wife of Manoj Paswan, resident of Village-Rampur Chora, P.O. and P.S. Piri Bazar, District-Lakhisarai, Member of Executive Committee of Gram Panchayat Raj, Rajpur Chaura, Block-Suryagarha, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Lakhisarai, District-Lakhisarai.
4. The District Panchayat Raj Officer, Lakhisarai, District-Lakhisarai.
5. The Block Development Officer, Suryagarha, District-Lakhisarai.
6. The Circle Officer, Suryagarha, District-Lakhisarai.
7. The Executive Engineer, Local Area Engineering Organization, Lakhisarai, District-Lakhisarai.
8. The Mukhiya, Gram Panchayat Raj, Rajpur Chaura, Block-Suryagarha, District-Lakhisarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Manglam, Advocate Mr. Awnish Kumar, Advocate Mr. Kumar Gaurav, Advocate Mr. Vikas Kumar Singh, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate General Mr. Vikas Kumar, A.C. to AG



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 01-08-2025

Heard Mr. Awnish Kumar, learned counsel for the petitioners and Mr. P.K. Shahi, learned Advocate General assisted by Mr. Vikas Kumar, learned counsel for the respondent-State.

2. The present petition, in the nature of Public Interest Litigation, has been filed by the petitioners under Article 226 of the Constitution of India with a prayer to quash the report dated 01.02.2025 submitted by Respondent Nos. 5 and 6 to Respondent No. 4 vide Memo No. 119 dated 01.02.2025 recommending the construction of Panchayat Sarkar Bhawan in Plot No. 404 of Khata No. 407 situated in Village- Tumni which is 10 Kilometres away from the headquarter village of Gram Panchayat.

3. Petitioners also prayed that the respondents be directed to produce on record the order passed by Respondent No. 3 after 10.01.2025 in respect of construction of Panchayat Sarkar Bhawan of Gram Panchayat Raj, Rajpur Chaura in Plot No. 604, Khata No. 460, admeasuring an area of 50 decimals.

4. Learned counsel for the petitioners referred to the



avermments made in the memo of the petition and thereafter submitted that for construction of Panchayat Sarkar Bhawan in Gram Panchayat of the State, different guidelines have been issued by the State Government from time to time. Learned counsel referred to the guidelines which have been issued and the letter dated 30.08.2022, copy of which is placed on record as Annexure-P-1 at Page No. 21 of the compilation. It is the grievance of the petitioners that though there was sufficient land in the plot in which the Panchayat Sarkar Bhawan was constructed in the year 1983, the respondent authorities had selected different land of Khata No. 460 bearing Plot No. 604 situated in Village- Tumni under Rajpur Mauza for construction of Panchayat Sarkar Bhawan, Gram Panchayat Raj, Rajpur Chaura, pursuant thereto Respondent No. 3 directed the Executive Engineer, Local Area Engineering Organization, Lakhisarai for preparation of estimate vide communication dated 06.10.2022.

5. It is the case of the petitioners that when the petitioners came to know about the same, representation was made to the concerned respondent authority. Ultimately, Three Men Committee was constituted and the report was submitted. Learned counsel has referred to Annexure-P-5 at Page-30 of the



compilation i.e. Minutes of the Meeting dated 10.01.2025. It has been pointed out from the said document that Respondent Nos. 5 and 6 were directed to submit their report.

6. It is further contended by learned counsel that pursuant to the direction given by Respondent No. 3, District Magistrate, Lakhisarai, Respondent Nos. 5 and 6 submitted the report dated 01.02.2025 in which it has been stated that the land in question is a proper place where Panchayat Sarkar Bhawan can be constructed. Petitioners have, therefore, preferred the present petition for quashing of the said report submitted by Respondent Nos. 5 and 6. It has been further contended that after receipt of the report from Respondent Nos. 5 and 6, Respondent Nos. 3, District Magistrate, Lakhisarai has till date not taken any decision whether to construct the said Panchayat Sarkar Bhawan at the said place or not and in the meantime, as per the information received by the petitioners, the concerned contractor has already started construction at the place in question. Learned counsel, therefore, urged that the present Public Interest Litigation has been filed by the petitioners with a request that the aforesaid construction be stopped till the decision is taken by the District Magistrate.

7. On the other hand, learned Advocate General has



opposed the present petition and referred to the counter affidavit filed on behalf of Respondent Nos. 3 to 6. It has been pointed out from the said counter affidavit that in fact the decision was taken in the year 2022 to construct the Panchayat Sarkar Bhawan at the place in question. However, thereafter, considering the objections raised by the petitioners, matter was once again examined by the concerned respondent authority. In fact, jointly spot was examined by the Circle Officer as well as Block Development Officer i.e. Respondent Nos. 5 and 6 and thereafter they have submitted their report on 01.02.2025. It is further submitted that as per the said report, the Panchayat Sarkar Bhawan can be constructed at the place in question. Learned Advocate General has referred to the report submitted by Respondent Nos. 5 and 6, copy of which is placed on record at Page-36 of the counter affidavit.

8. Learned Advocate General would thereafter contend that it is for the concerned authority to decide where the Panchayat Sarkar Bhawan is to be constructed and it is not for any individual or village people to decide the same. In the present case, when there is a report submitted by Respondent Nos. 5 and 6 with regard to the land in question, this Court may not entertain the present petition.



9. Having heard learned counsels appearing for the parties and having gone through the materials placed on record, it transpires that Respondent No. 3 has considered Three Men Committee's report. The report has been placed on record at Page-34 of the compilation. Now, pursuant to the decision taken in the said meeting, Respondent Nos. 5 and 6 have visited the place in question and thereafter now submitted the report on 01.02.2025. Once the concerned respondent authorities have visited the place in question and thereafter submitted the report, we are of the view that the present petition filed by the petitioners is misconceived. We are of the view that the petitioners have made very vague averments in the memo of the petition in Paragraph 17 that construction work has already been initiated by the concerned contractor. In fact, the concerned contractor is not impleaded as party respondent in the present petition. We are, therefore, of the view that if the decision is not taken by Respondent No. 3 pursuant to the report dated 01.02.2025, it is open for Respondent No. 3 to take appropriate decision in accordance with law pursuant to the communication/report dated 01.02.2025 submitted by Respondent Nos. 5 and 6.

10. In view of the aforesaid discussion, we are not



inclined to quash the report dated 01.02.2025 submitted by Respondent Nos. 5 and 6, as prayed for in the present petition.

11. Accordingly, the present writ petition stands dismissed.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

P.K.P./-

AFR/NAFR	
CAV DATE	
Uploading Date	02.08.2025
Transmission Date	

