

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7449 of 2025

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Md. Jawaid Akhtar Khan Son of Late Md. Sahabuddin Khan, Resident of
Village-Sahdeokhap, P.S.-Magadh University, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary cum Principal Secretary, cum-Secretary, Panchayatiraj Department of Bihar, Patna.
2. The Additional Chief Secretary cum Principal Secretary, cum-Secretary, Panchayatiraj Department of Bihar, Patna.
3. The Director, Panchayatiraj Department of Bihar, Patna.
4. The District Magistrate, Gaya.
5. The Executive Engineer, Building Construction Department, Building Division, Gaya.
6. The District Panchayati Raj Officer, Gaya.
7. The Additional District Magistrate, Gaya.
8. The Deputy Collector, Land Reform Sadar, Gaya.
9. Block Panchayati Raj Officer, Bodhgaya, Gaya.
10. Block Development Officer, Bodhgaya, Gaya.
11. Circle Officer, Bodhgaya, Gaya.
12. Panchayat Secretary, Gram Panchayat Bara, Bodhgaya, Gaya.
13. Sri Sanjay Kumar Yadav, son of not known to the petitioner, Resident of Mohalla-Near Shiv Mandir, Jail Road, P.S.-Rampur, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Advocate

For the Respondent/s : Mr.Standing Counsel (4)

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 12-09-2025



In the instant writ petition, the petitioner has prayed for the following relief(s):

“(I) For quashing the tender notice No. 01/SBD/ET/ BCD/ Gaya/2024-25 issued by the office of Executive Engineer, Building Construction Department, Building Division, Gaya so far as it relates to item no./ serial no. 24 by which a tender notice has been published inviting tenders to participate in the tender for construction of Panchayat Sarkar Bhawan, at Bara (Bara) and for a direction to respondent authorities to produce the work order issued in favour of respondent No. 13 Sri Sanjay Kumar Yadav for the abovesaid work and further to restrain him for constructing any building of Panchayat Sarkar Bhawan at Mauza Matihani, as the same is totally bad and illegal.

(II) For a direction to the respondent authorities directing them to take necessary action for construction of Panchayati Sarkar Bhawan at Mauza Sahdeokhap Thana No. 427, Khata No. 232, Plot No. 683 measuring 92 dismil as is found to be most suitable land for construction of Panchayati Sarkar Bhawan as recommended by the Circle Officer, Bodhgaya as directed by District Panchayati Raj Officer, Gaya.

(III) For restraining the respondent authorities including private respondent no. 13 from constructing any building at Mauza Matihani Thana No. 417, Khata No. 57, Plot No. 1473 which is totally a disputed land as well as in violation of guidelines issued by the state Government by Memo No. 7953 dated 26.11.2019 and Memo No. 8354 dated 30.08.2022 by which it



has been provided that if no land is available at the heard quarter of the Panchayat then the said Bhawan may be constructed at the village of that Panchayat having maximum population) and the population of village Sahdeokhap is much more than that of village Matihani and is having 92 dismil of vacant land in the name of Panchayat Bahwan.

(IV) For any other reliefs for which the petitioner may found entitled to.”

2. It is well settled that such matters fall within the policy/making domain of the Executive, and unless the policy is shown to be arbitrary, discriminatory or unconstitutional, this Court cannot substitute its wisdom for that of the Government.

3. Hon’ble Supreme Court in its several decisions held that Court should not interfere in policy matters except on certain limited grounds, namely:

- (a) ***State of Himachal Pradesh and Others vs. Himachal Pradesh Nizi Vyavsayik Prishikshan Kendra Sangh***, reported in ***(2011) 6 SCC 597*** in which it is held that Courts are not intended to and should not substitute their views in the views of the Executive in policy matters;
- (b) ***BALCO Employees’ Union (Regd.) vs. Union of India and Others***, reported in ***(2002) 2 SCC 333*** in which it is held that unless a policy decision is arbitrary, *mala*



fide or contrary to statutory provisions,
Courts cannot interfere;

(c) ***Narmada Bachao Andolan vs. Union of India and Others, reported in (2000) 10 SCC 664*** in which it is held that Courts should not examine the wisdom or correctness of policy choices.

4. The aforementioned principles are evident that the decision whether or not to establish a *Panchayat Bhawan* is a matter of Governmental policy based on various socio-economic factors. The Court cannot issue a *mandamus* compelling the State to deviate from its policy framework.

5. In the light of aforementioned discussions, writ petition is dismissed, with liberty to the petitioner to make a detailed representation to the competent authority, who will consider the same in accordance with law and Government policy.

6. Perusal of the representation, the petitioner is seeking *Panchayat Bhawan* to be constructed in particular plot or area. Citizens cannot decide *Panchayat Bhawan* is required to be constructed in which place or spot. On the other hand, State Government has evolved policy for the purpose of construction of *Panchayat Bhawan*. Therefore, the petitioner can seek only for construction of *Panchayat Bhawan* in the relevant



Panchayat. If such application or representation is submitted to the concerned authority, the concerned authority is hereby requested to expedite the grievance of the petitioner to be demanded and filed.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.09.2025
Transmission Date	NA

