

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5359 of 2025

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Nawal Kishore Singh Son of Late Shio Dayal Singh, Resident of Village
Pipra Khem, Police Station Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Panchayati Raj Department,
Government of Bihar, Patna.
2. The District Magistrate, East Champaran.
3. District Panchayat Raj Officer, East Champaran.
4. Sub-Divisional Officer, Chakia, East Champaran.
5. Land Reforms Deputy Collector, Chakia, East Champaran.
6. Circle Officer, Kalyanpur, East Champaran.
7. Block Development officer, Kalyanpur, East Champaran.
8. The Engineer In-Chief, Local Area Engineering Organization, (LAEO),
Yojna and Development Department, Govt. of Bihar, Patna.
9. The Chief Engineer, LAEO, Yojna and Development Department, Govt. of
Bihar, Patna.
10. The Superintending Engineer, LAEO, Work Circle, Tirhut Division,
Muzaffarpur.
11. The Executive Engineer, LAEO, Work Division-1, Motihari.
12. Mukhiya, Gram Panchayat Pipra Khem, Police Station- Kalyanpur, District-
East Champaran.
13. Panchayat Secretary, Gram Panchayat Pipra Khem, Police Station-
Kalyanpur, District East Champaran.
14. Devendra Kunwarar Son of Late Ramanand Kunwar, Resident of Village
Kodarkatta, Police Station- Motipur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajnish Shandilya, Advocate
For the State	:	Mr. Pankaj Kumar, SC-12
		Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 03-04-2025

Heard learned counsel for the petitioner and learned
counsel for the State.



2. The present writ application has been filed for direction to the respondents especially Respondent No.2 (District Magistrate) to issue a direction to construct the Panchayat Sarkar Bhavan of Gram Panchayat, Pipra Khem, Block and Circle Kalyanpur, East Champaran over the land bearing Khesra No. 127 measuring approx 94 dismil, Revenue Thana No. 159 situated at the headquarter village of the concerned Gram Panchayat i.e. Pipra Khem.

3. Learned counsel for the petitioner submits that as per the Government decision each and every Gram Panchayat, there has been a building to be known as Panchayat Sarkar Bhavan, where offices of different panchayat representatives are to be established for proper functioning of the Local Rural Self Government. The Department of Panchayati Raj, Government of Bihar vide letter no. 281 dated 08.01.2024 issued a guideline to all the District Magistrate of the State of Bihar as to make available the suitable land for construction of Panchayat Sarkar Bhavan in each and every panchayat as it had come to notice that no land was made available by as many as 1652 Gram Panchayat for construction of the same.

4. Learned counsel for the petitioner submits that the headquarter village of the concerned gram panchayat, Pipra



Khem bearing Revenue Thana No. 159 i.e Pipra Khem, a plot measuring 94 dismil having Khesra No. 127 with the appropriate dimensions as prescribed by the Department being available which is a Government land free from any type of encroachment either temporary or permanent located in the middle of the headquarter village with the adjoining road from two sides being available, however, the Mukhiya of the concerned Gram Panchayat was not interested to construct the Panchayat Sarkar Bhavan in the headquarter village for extraneous reasons and in his vested interest managed the concerned officials got prepared an incorrect checklist regarding selection of land for construction of the Panchayat Sarkar Bhavan, thereafter, the Circle Officer, Kalyanpur sent a proposal to the District Panchayat Officer, East Champaran, Motihari vide letter no. 1524 dated 25.11.2022. The description of land to be also mentioned therein which having Khata No. 66, Khesra No. 97 measuring 50 dismil situated at village Math Jagdish having Revenue Thana No. 209 and the nature of the land Gairmazarua Malik as indicated therein.

5. Learned counsel for the State has taken preliminary objection with regard to the maintainability of the writ petition and submits that a number of orders have been passed by the



Division Bench of this Court that the location of Panchayat Bhavan is for the executive to decide and not for the Court to supplement its opinion. It shall be wholly improper of this Court to approve executive power to decide the location of Panchayat Bhavan and the present case on behalf of the petitioner is that Panchayat Bhavan is being constructed at different plots. Learned counsel for the State has produced the order dated 09.12.2013 passed by the Division Bench of this Court in C.W.J.C. No. 23833 of 2013 by which the Court has opined that the location of Panchayat Bhavan is more of 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 C.W.J.C. No. 3282 of 2023 which was decided on 07.04.2023 which is quoted herein below:-

“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. Considering the aforesaid facts as well as the above-mentioned order of this Hon'ble Court, no case is made out for interference of this Court.

7. Accordingly, this writ petition stands dismissed.

(Rajesh Kumar Verma, J)

priyanka/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.04.2025
Transmission Date	N/A

