

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7535 of 2025

Shivnath Prasad @ Shivnath Prasad Son of Late Saryu Sah Resident of
Village/Moh - Samir Takya, P.O.- GPO Gaya, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary Dept. and Revenue and Land Reform, Govt. of Bihar, Patna.
3. The Secretary, Rural Work Department, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The Collector, Gaya.
6. The Panchayati Raj Officer, Gaya.
7. The Gram Panchayat Raj Nagwan Under Block-Gurua, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvnendra Kumar Thakur, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General

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 direction upon the respondent particularly Respondents No. 6 & 7 to implement the work of construction of building at the approved place for completing the work of construction building has been pending.

(ii) For any other relief/reliefs which deem necessary to be passed in the Interest of the Public at Large.”

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 *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.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

ranjan/-

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

