

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6639 of 2025

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1. Chanup Lal Raut Son of Brijmohan Raut Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 2. Sambhu Raut, Son of Brijmohan Raut Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 3. Manoj Raut, Son of Anuplal Raut Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 4. Arun Kumar, Son of Maheshwari Yadav Resident of Village- Bhelai, P.S.- Dhoriya, District- Banka.
 5. Pritam Kumar Singh, Son of Lal Mohan Singh, Resident of Village Mahammadpur, P.O.- Jagatpur, P.S.- Panjwara, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The District Collector, Banka, P.S. Banka, District- Banka.
4. The Deputy Development Commissioner, Banka, P.S.- Banka, District- Banka.
5. The District Panchayat Raj Officer, Banka, P.S.- Banka, District- Banka.
6. The Deputy Collector, Land Reforms, Banka, P.S.- Banka, District- Banka.
7. The Circle Officer, Dhoriya, Banka.
8. The Block Development Officer, Dhoriya, Banka.
9. The Block Panchayati Raj Officer, Dhoriya, Banka.
10. The Panchayat Secretary, Gram Panchayat Bhelai, Block- Dhoriya, District- Banka.
11. Smt. Karuna Devi, Mukhiya Gram Panchayat Raj, Bhelai, Block- Dhoriya, P.O.- Sondiha, Babhangama, P.S.- Dhoriya, District- Banka, Pin Code- 813123.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar Singh, Adv
For the State	:	Mr. Mujtabaul Haque, Government Pleader (12)
		Mr. Vasant Vikas, AC to GP-12

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 23-04-2025

Heard Mr. Bijendra Kumar Singh, learned counsel



for the petitioners and Mr. Vasant Vikas, learned counsel for the State.

2. In the present writ application, the petitioners have prayed for issuance of writ of mandamus for commanding the respondents, particularly, the respondent nos. 2 and 3 that the proposed Panchayat Sarkar Bhawan of Gram Panchayat Raj, Bhelay which comes under Block- Dhoraiya, District- Banka be constructed at the Central Place, Headquarter of Gram Panchayat located at the Administrative site of Village- Bhelay which bears the name of Panchayat either on government land available in the village pertaining to Khata No.67, Khesra No.633, Area- 6 Acre 3 decimal or at the private land centrally located pertaining to Khata No.66, Khesra No.695, Area- 1 Acre 63 decimal, which as per the petitioners is presently owned and possessed by the petitioner nos. 1 to 3 and offered to execute a deed to donate the land to Government of Bihar for the same purpose.

3. The learned counsel appearing for the respondents- State submits that the petitioner no. 4, Arun Kumar, son of Maheshwari Yadav along with some other persons had earlier approached this Court for same relief vide CWJC No. 7622 of 2023 and the said writ application was disposed of on



11.12.2023 observing as follows:-

“4. Considering the submission made on behalf of the petitioner, the petitioner may file a detailed representation before the Collector, Banka who shall dispose of the representation of the petitioner considering the fact that as per the government requirement, Panchayat Sarkar Bhawan' is essentially required to be constructed at Headquarter village of the respective Panchayat.”

4. The learned counsel for the State further submits that in terms of the aforesaid order passed by this Court, the petitioner no. 4 had filed a representation which has been decided by the District Collector, Banka by a well reasoned and speaking order dated 25.02.2025 (Annexure-P/6) in which he has categorically held that the land being offered by the petitioner nos. 1 to 3 is a disputed land and thus, the District Collector has dismissed the representation.

5. From the perusal of the writ application, it is manifest that the petitioners have come to this Court praying for the reliefs as quoted above without even challenging the order of the District Collector, Banka. The writ application is, therefore, misconceived and not maintainable.

6. In any case, in matters relating to construction of Panchayat Sarkar Bhawan, a Division Bench of this Court vide



order dated 23.02.2024 passed in CWJC No. 3280 of 2024 has held and observed as follows:

“5. It is worth noting that so far the construction of Panchayat Sarkar Bhawan is concerned, the same is within the exclusive jurisdiction of the Gram Panchayat and a decision as to its situs lies entirely within the domain of Panchayat concerned and the State Government has exclusive jurisdiction to take a decision in this regard. So far the grievance of the petitioner is concerned, he has already represented before the concerned authorities, including the District Magistrate, Arwal and any direction of this Court would be uncalled for, in the matter.”

7. In view of the above finding given by the Division Bench of this Court, the present writ application does not merit any consideration and the same stands dismissed.

(Alok Kumar Sinha, J)

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