

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6269 of 2024

=====

Raja Ram Sharma Son of Late Bhola Singh Resident of Village - Ballopur,
P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayat Raj Department, New Secretariat Bailey Road, Patna.
2. The Additional Chief Secretary, Panchayat Raj Department, New Secretariat, Bailey Road, Patna.
3. The Director Panchayat Raj, New Secretariat Bailey Road, Patna.
4. The District Magistrate, Lakhisarai.
5. The District Panchayat Raj Officer, Lakhisarai.
6. The Sub-Divisional Magistrate, Lakhisarai.
7. The Deputy Collector, Land Reforms, Lakhisarai.
8. The Circle Officer, Halsi, District- Lakhisarai.
9. The Block Development Officer, Halsi, District- Lakhisarai.
10. The Block Panchat Raj Officer, Halsi, District- Lakhisarai.
11. The Executive Engineer, Building Division, Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Parmanand Pd. Nr. Sahi, Advocate
For the Respondent/s	:	Mr. Manoj Kumar Ambastha, SC-26
		Mr. Tripurari Nath Ambastha, AC to SC-26
		Mr. Santosh Kumar Mishra, AC to SC-26

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 28-04-2025 1. Heard learned counsel for the petitioner and
learned SC-26 for the State.

2. The writ application was mentioned on the ground
of urgency that petitioner being the Mukhiya is willing to part
with his own land for construction of Panchayat Sarkar Bhawan
but then the authorities are not accepting the land rather are
going ahead with the construction of Panchayat Sarkar Bhawan



in a village which is far away from the Panchayat Headquarter and at the same time, the Panchayat Sarkar Bhawan is being constructed in breach of the guidelines issued by the Principal Secretary, Department of Panchayati Raj, Government of Bihar.

3. At this stage, learned counsel appearing on behalf of the State submits that the petitioner no doubt in the writ application has stated that he is willing to give his land for the purposes of construction of Panchayat Sarkar Bhawan but then the land does not belong to the petitioner rather is registered in the name of his wife. It is further submitted that wife of the petitioner has died, as such, the petitioner on his own cannot suo motu gift the land to the authorities for the purposes of construction of the Panchayat Sarkar Bhawan on which learned counsel appearing on behalf of the petitioner submits that no doubt, the land is registered in the name of his wife but after the death of his wife, he has his share in the land and he can gift that part of the land which has fallen in his share on which learned counsel appearing on behalf of the State submits that the petitioner is basically chasing a mirage in the sense that as of now the land belongs to the wife of the petitioner who is no more and, after her death, the land would devolve not only upon the petitioner but on the legal heirs also which includes son and



daughter of the petitioner. It is next submitted that there is no averments or pleadings made in the writ application that after the death of his wife, the land has been partitioned amongst the legal heirs and specific share of the petitioner has been carved out which he intends to gift to the authority for construction of Panchayat Sarkar Bhawan.

4. Learned State Counsel next submits that the conduct of the petitioner amply demonstrates that he is more interested in creating impediment in construction of Panchayat Sarkar Bhawan rather than having it constructed. Learned State Counsel further relies on a judgment of this Court dated 20.06.2023 in C.W.J.C. No. 8361 of 2023 (Mahendra Singh Vs. The State of Bihar & Ors.) to submits that the Hon'ble Division Bench has held that on perusal of the guidelines contained in the letter dated 26.11.2019 of the Panchayati Raj Department, it transpires that preference has to be given for establishment of Panchayat Sarkar Bhawan at the headquarters of the Gram Panchayat. In case land is not available, guidelines have been provided for choosing other alternatives. Here itself it would be important to keep in mind that the appropriate authority for deciding the place of construction of the Panchayat Sarkar Bhawan would be the concerned Department of the State of



Bihar and/or the local administration and it is for this reason that even the letter dated 26.11.2019 provides that the decision has to be taken by the concerned District Magistrate. Further in the opinion of this Court, the decision with respect to construction of Government buildings like the Panchayat Sarkar Bhawan etc., which is carried out in the furtherance of the policy decision of the State Government cannot be a subject matter of public interest litigation.

5. It is, thus, submitted by the learned counsel appearing on behalf of the State that construction of the government buildings like Panchayat Sarkar Bhawan is carried out in furtherance of the policy decision of the State Government, as such, the Court should be reluctant in interfering in such matters.

6. Learned State Counsel further submits that the case was mentioned for being taken up out of turn on the ground of urgency but then when the true facts came to the fore after filing of the counter affidavit, it appears that the petitioner was only interested in creating impediment in construction of Panchayat Sarkar Bhawan.

7. The Court is in complete agreement with the submissions made by the learned State Counsel and thus finds



no merit in the writ application, hence, the same is dismissed.

8. At this stage, learned counsel appearing on behalf of the petitioner makes a submission that in his reply to the counter affidavit, he has taken a stand that had such an objection been raised in that event he would have clarified the same by getting the signature of his son and daughter also on which learned State Counsel submits that the case has been dismissed and this is an argument of frustration for the reason that a person who intends to donate or gift a land must know the law and will not wait for any objection to be raised by the authorities which further gives an impression that the petitioner was only interested in delaying the construction of the Panchayat Sarkar Bhawan when the proposal was approved by the Gram Sabha Chaired under the Chairmanship of Up-Mukhiya.

(Satyavrat Verma, J)

Kundan/-

U			
---	--	--	--

