

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7572 of 2025

=====

Deepak Kumar son of Sado Rajwanshi, Resident of Village Punthar, P.S.
Narhat, District Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The District Magistrate Cum-Collector Nawada.
4. The District Development Commissioner, Nawada
5. The Panchayati Raj Officer, Nawada.
6. The Sub-Divisional Officer, Rajauli, Nawada.
7. The Block Development Officer, Narhat, Nawada,
8. The Circle Officer, Narhat, Nawada.
9. The Mukhia Punthar Gram Panchayat, Narhat, Nawada.
10. The Panchayat Secretary, Punthar Gram Panchayat, Narhat, Nawada.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Amar Nath Singh, 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):-

“That in the larger public Interest this is an application for issuance of an appropriate writ, order or direction directing the respondents to cancel the decision of the Panchayati Raj Department whereby construction of Panchayat Sarkar Bhawan on the land bearing khata



no. 187Plot No. 1025 area 0.34 decimal situated at Mauza Punthar under the Gram Panchayat Punthar, Narhat Nawada which is the only cremation Ground of village Punthar where about 100 family of Mahadali/schedule Caste (Rajwar, Ravidas, Manjhi, Paswan resides) and further direct the Respondent concern to reallocate the Panchayat Sarkar Bhawan at another suitable land.

And further Respondents be restrained from constructing Panchayat Sarkar Bhawan or any construction over the said land or from changing nature of land.

And for any other relief for which the petitioner is entitled in the facts and circumstances of the case.”

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

