

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8502 of 2025

Adeshwar Prasad, Son of Rajendra Prasad, Resident of Village Pachohiya,
Police Station Roh, District Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Deputy Secretary, Panchayati Raj Department, Government of Bihar.
4. The District Panchayati Raj Officer, Nawada.
5. The Deputy Development Commissioner, Nawada.
6. The Anchal Adhikari, Roh, District Nawada.
7. The Block Panchayat Raj Officer, Roh, District Nawada.
8. The Deputy Collector, Land Refoms, Rajauli, District Nawada.
9. The Block Development Officer, Roh, District Nawada.
10. The Sub-Divisional Officer, Rajauli, District Nawada.
11. The Panchayat Secretary, Ohari Grampanchayat, Police Station Roh, District Nawada.
12. The Mukhiya, Grampanchayat Ohari, Police Station Roh, District Nawada.
13. The Executive Engineer, Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ansul, Sr. Advocate
Mr. Prabhas Ranjan, Advocate
For the Respondent/s : Mr. P.K. Shahi, Advocate General
Mr. Vikas Kumar, AC to AG

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 petition, petitioner has prayed for the following relief(s):-

“(A) A Mandamus commanding the Respondents for construction of Panchayat Government Building in Grampanchayat Ohari over Khata No. 312 Plot No. 1783 Area 0.51 Decimals in the District of Nawada.

(B) Any other relief or reliefs for which may be granted in the facts of the present case may be granted.”

2. Petitioner is seeking *Panchayat Bhawan* to be constructed in particular plot or area. Citizens cannot decide *Panchayat Bhawan* is required to be constructed in which place or spot. On the other hand, State Government has evolved policy for the purpose of construction of *Panchayat Bhawan*.

3. 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.



4. 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.

5. The aforementioned principles are evident that the decision whether or not to establish a *Panchayat Bhawan* in a particular Panchayat 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.



6. 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)

P.K.P./-

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CAV DATE	
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