

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10138 of 2025

1. Guddu Yadav Son of Rajendra Yadav, Ward Member Ward No.9 Gram Panchayat Pathra, Resident of Village and PO Pathra PS Barahat, District Banka.
2. Pramod Thakur Son of Late Bharosi Thakur, Ex Mukhiya Gram Panchayat Pathra, Resident of Village and PO Pathra PS Barahat, District Banka.
3. Jawahar Das Son of Late Bharat Lal Ravidas, Resident of Village and PO Pathra PS Barahat, District Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Panchayati Raj Bihar, Patna.
2. Principal Secretary, Department of Panchayati Raj Bihar, Patna.
3. Principal Secretary, Department of Rural Development Bihar, Patna.
4. District Magistrate, Banka.
5. Deputy Development Commissioner, Banka.
6. District Panchayati Raj Officer, Banka.
7. Block Development Officer, Barahat, District Banka.
8. Circle Officer, Barahat, District Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Standing Counsel (28)

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 15-09-2025

In the instant writ petition, petitioner has prayed for the following reliefs :

“1. That the present application is being filed in Public Interest with a prayer to direct the District Administration Banka to



construct Panchayat Sarkar Bhawan in a designated place selected in Aamsabha Communicated by Mukhiya Gram Panchayat Raj Pathra & Further Mukhiya to village Gram Panchayat Raj Pathra Communicated decision by Letter No.16/25 dated 09.05.25 in which in addition to other it was communicated that measurement of Land in front of MNREGA Bhawan in Village Pathra was made & selected by gram Panchayat even then Circle officer wants to construct Panchayat Raj Bhawan outside the Panchayat Headquarter at Pathra whereas the Land selected by Gram Panchayat is adjacent to Udyog Bhawan, Public Health Centre, Harijan Hostel & library, Senior Secondary School Pathra, High School, Pathra & its Middle School too situated around the same Plot No.1917 under Khata No.315 area 103 decimal as such the present application is being filed in public interest with prayer of issuance of appropriate writ order or direction of writ in the nature of mandamus commanding the respondents for following main relief :

(i) That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondents to Direct Construction of Panchayat Sarkar Bhawan in the Land selected by Gram Panchayat communicated by Letter No. 16/2025 dated 09.05.25 under the Signature of Mukhiya & nine ward Member, including freedom fighter Barhmeshwar Mandal & other co-villager signed



over the letter & submitted to District Magistrate selecting Plot No. Plot No.1917 under Khata No.315 area 103 decimal as such direction may kindly be issued commanding the respondent to respect the decision of Gram Panchayat.

(ii) That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondents to adhere the decision of Aam Sabha & the Gram Panchayat regarding construction of Panchayat Sarkar Bhawan & direct the respondents protecting Rights of Aam Sabha & local Public Representatives, as enshrined in the statement of object to 73rd amendment.

(iii) That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the respondents District Magistrate to recover the amount incase used by the Contractor in connivance with Circle officer who unilaterally altered the decision of Gram Panchayat & Mukhiya as well as Majority of ward Members represented in writing recording decision of Aam Sabha selecting Plot No.1917 under Khata No.315 area 103 decimal Land selected by Gram Panchayat is adjacent to Udyog Bhawan, Public Health Centre, Harijan Hostel & library, Senior Secondary School Pathra, High School, Pathra & its Middle School too but Circle officer selected the Spot outside the municipal boundary of Panchayat Headquarter as such direction may kindly given to follow the



command of Panchayat at least in construction of Panchayat Sarkar Bhawan.

(iv) That for grant of any other relief or reliefs to which the petitioner be found entitled in law be granted to them.”

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 a *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.

6. Perusal of the representation, the 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*. Therefore, the petitioner can seek only for construction of *Panchayat Bhawan* in the relevant *Panchayat*. If such application or representation is submitted to the concerned



authority, the concerned authority is hereby requested to expedite the grievance of the petitioner to be demanded and filed.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.09.2025
Transmission Date	

