

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9105 of 2025

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Asin Khan, aged about 80 years, male, Son of Late Sajjad Khan Resident of Village-Naudiha Post Office-Naudiha Jhurang, Police Station-Gurpa, District-Gaya

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Finance Department, Government of Bihar, Old Secretariat, Bailey Road, Patna.
2. The Principal Secretary of Panchayat Raj Department, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Collector Land Reforms, Gaya. Bihar.
5. The District Development Officer, Gaya, Bihar.
6. The Sub Divisional Officer, Sadar Gaya, Bihar.
7. The Circle Officer, Fatehpur-Gaya, Bihar.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sheikh Arkan Ahmad, Advocate
For the Respondents : Mr. P.K. Shahi, Advocate General

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

4 27-11-2025 In the instant petition, the petitioner prays for the following relief/s:-

“(i) For issuance of appropriate nature of Writ against the Respondents to reply why such the Panchayat Bhawan has been allowed to built on Khata No. 206 Plot No. 1840 Area 0.50 Decimal without Aam Sabha against the general will of the Naudiha Jhurang Panchayat which is lonely place there is no population general will of the Panchayat in that area is under Nuxal Extremist (M.C.C) and in that Area D.F.O was killed by



M.C.C and this area is useless and unsafe.

(ii) For issuance a Writ in nature of mandamus or any other appropriate Writ, order or direction/commanding the Respondent No. 5 and 7 for restrain the works of the Panchayat Bhawan on the place of lonely and under M.C.C because seeing the interest of the general will of Naudiha Jhurang Panchayat under Fatuha Sub Division.

(iii) For issuance a Writ order or direction which Your Lordships may deem fit and proper in the facts and circumstances.”

2. Considering the reliefs sought for, it is noteworthy that the local authority is a competent body to take decision with respect to the site selection and construction of the *Panchayat Bhawan*.

3. Whether the *Panchayat Bhawan* is constructed at site ‘A’ or ‘B’ is an issue best left to the people representatives in the local self-government institutions as well as the local authorities to decide based on various factors/parameters. Such decision is essentially a matter of policy.

4. Further, a Coordinate Bench of this Court in C.W.J.C. No.8361 of 2023, has held that construction of Government buildings like *Panchayat Bhawan* etc. is a matter of policy and cannot be subject to P.I.L. The relevant paragraph



of the judgment is reproduced as under:-

“6.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. In view of the discussions made above, the writ application stands disposed of.

6. Pending application(s), if any, shall stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J.)

*Gaurav Kumar,
Ibrar/-*

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