

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11382 of 2025

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Sunila Devi W/o Ramniwas Prasad Resident of Maksupur (Chamarbigha),
P.S.-Islampur, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Panchayat Raj, Government of Bihar, Patna.
2. The District Magistrate, Nalanda (Biharsharif).
3. The District Panchayati Raj Officer, Nalanda (Biharsharif).
4. The Block Development Officer, Islampur, District-Nalanda.
5. The Circle Officer, Islampur, District-Nalanda.
6. The Executive Engineer, Local Area Engineering Organization (LAEO) Work Division-2, Hilsa, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Singh, Advocate
For the State	:	Mr. Nadim Seraj, GP-5
		Mr. Shailesh Kumar, AC to GP-5

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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 13-11-2025 The present writ application has been filed for the

following reliefs:

“(i) issuance of writ of certiorari for quashing the letter No.- 339 dated 30.01.2024 issued by Circle Officer, Islampur, Nalanda by which he has suggested to the District Panchayati Raj Officer, Nalanda to build Panchayat Bhawan in Panchayat Sakari, Mauza- Sakari, Khata No.- 360, Khesara No.- 2485 Area-5 acers, Type of Land- Gair Mazarua Aam PINDI, as contained in annexure-P 3 of this writ application, in spite of Gram Sabha of Sakari Panchayat unanimously passed resolution on 04.01.2022 to build Panchayat Bhawan in Mauza -



Sakari, Khata No.- 664, Khesara No.-3153, area- 81 Dismal,

(ii) issuance of writ of mandamus for directing the respondent No. 1 i.e. the Additional Chief secretary, Panchayati Raj, Bihar, Patna to dispose of the representation dated 04.04.2025 as contained in annexure- P 8 of this writ application in which the petitioner prays for to build Panchayat Bhawan for Gram Panchayat Raj Sakari in Mauza- Sakari, Khata No. 664, Khesara No.- 3153 Area- 81 Dismal in which Gram Sabha of Sakari Panchayat unanimously passed resolution on 04.01.2022 to build Panchayat Bhawan for Gram Panchayat Raj Sakari.

(iii) The petitioner also prays for the issuance of writ/writs, direction/ directions, order/orders in her favour in the fact and circumstances of this case.”

2. A counter affidavit has been filed on behalf of respondent Nos. 2 to 5. The relevant portion of the counter affidavit, as contained in Paragraph Nos. 6 to 10, are extracted hereinbelow:

“6. That the facts in brief as indicated in the present writ petition is that the petitioner made claim that on being asked proposal of land situated in Mauza. Sakari. Khata No. 664. Khesra No. 3153 Area 81 decimal has been approved by this Gram Sabha of Sakari Panchayat in 04.01.2022 for construction of Panchayat Sarkar Bhawan at Gram Panchayat Sakari under Block Islampur, Nalanda and the said proposal was sent to the authorities concerned for taking further action. But in place of the said land, another land bearing Khata No. 360, Khesra No. 2485, Area 76 decimal in the nature of Gairmazarua Aam Pindi situated in Mauza-Sakari has been selected without consent of the Sabha Gram for construction of the Panchayat Sarkar Bhawan in Panchayat -Sakari.

7. That it is further stated by the petitioner,



who is Mukhiya of Panchayat-Sakari, that without taking consideration of the resolution dated 04.01.2022 passed by the Gram Sabha, a tender notice has been published on 24.09.2024 by the concerned Executive agency for construction of Panchayat Sarkar Bhawan over the land other than the land recommended by the Gram Sabha and then representation has been made by the petitioner before the authorities concerned against the change of site of Panchayat Sarkar Bhawan in Gram Panchayat-Sakari.

8. That as a matter of fact the land bearing Khata No. 729, Khesra No. 3212, Area 4.3 acre in the nature of Gairmazarua Malik Ahar, Khata No. 600, Khesra No. 3063, Area 45 decimal in the nature of Gairmazarua Malik Parti and Khata No. 604, Khesra No. 3153, Area 81 decimal in the nature of Rasta situated in Mauza- Sakari have been proposed earlier for construction of Panchayat Sarkar Bhawan in Panchayat- Sakari, but in enquiry made by the Revenue Karamchari and Anchal Amin as well as in inspection made by the Circle Officer, Islampur and Panchayat Raj Officer, Islampur, the aforesaid proposed lands were not found suitable for the purpose of construction of Panchayat Sarkar Bhawan. Accordingly, the said proposal of lands was rejected and in place of the aforesaid lands another lang bearing Khata No. 360, Khesra No. 2485, Area 5.76 acre in the nature of Gairmazarua Aam, Pindi situated in Mauza-Sakari has been selected for the purpose of construction of Panchayat Sarkar Bhawan as it appears from Letter No. 3874, dated 29.11.2024 and 3778, dated 16.11.2024.

9. That it may not be out of place to mention here that the petitioner is adamant to get the Panchayat Sarkar Bhawan constructed over the land, which was selected by the Gram Sabha presided by her, but the same was not found suitable and considering the attitude of the petitioner and request made by the Block Development Officer, Islampur vide Letter No. 04, dated 08.02.2024 issued by the Circle Officer, Islampur, Gram Sabha of Panchayat- Sakari was organized on 09.02.2024 in presence of local representatives and a



large number of the local residents, in which the proposal of land bearing Khata No. 360, Plot No. 2485 to the Area 130 x110 Sq. ft. total 33 decimal out of Khatiyani Area 5.76 decimal has been approved by the Gram Sabha as it will be evident from Letter No. 228, dated 15.02.2024 issued by the Block Development Officer, Islampur

10. That in view of the facts as stated above the selection of land by the authorities concerned for construction of Panchayat Sarkar Bhawan in Panchayat- Sakari has been made in accordance with guidelines of the State Govt. issued in this regard and accordingly, tender notice has been published in the light of N.O.C issued by Circle Officer, Islampur vide Letter No. 339 dated 30.01.2024. ”

3. From perusal of the counter affidavit filed on behalf of respondent Nos. 2 to 5, it appears that the land initially proposed by the petitioner for construction of Panchayat Sarkar Bhawan was found unsuitable by the competent authorities, and another suitable land was thereafter selected and approved by the Gram Sabha in accordance with guidelines issued by the State Government. The selection of site for such construction being a policy matter of the State Government, this Court does not find any ground to interfere in such matters.

4. In view of aforesaid, we find no reason to pass any further order in the present matter.

5. Accordingly, the present writ application stands disposed of.



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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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