

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11302 of 2025

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Shiv Shankar Singh, Son of Late Varsharopan Singh, Resident of village-
Babhni, P.S. - Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
2. The District Magistrate, Sasaram at Rohtas.
3. The Sub Divisional Officer, Sasaram at Rohtas.
4. The D.C.L.R., Sasaram at Rohtas.
5. The District Panchayati Raj Officer, Sasaram at Rohtas.
6. The Circle Officer, Kargahar, Sasaram at Rohtas.
7. The Block Development Officer, Kargahar, Sasaram at Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (11)

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

Date : 19-09-2025

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

*"(i). For issuance of an appropriate writ
in the nature of Mandamus, commanding and
directing the respondents to construct Pan-
chayati Raj Bhawan over the government land
bearing khata no. 347, Khesra no. 1855, area
62 decimal situated at village Babhani, Block
+ P.S.- Kargahar, District Sasaram at Rohtas,
which is a government land and earlier time
the same is famous as Dak Bangla and the
same is situated in the middle of the village*



and as such this khata and khesra land is easily assessable to all near by people and soil test of the same piece of land has also done by the respondent and the same building should not be shifted to another place.

(ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to make free the government land bearing khata no.- 347, Khesra no.- 1855, area 62 decimal, situated at village Babhani, Block + P.S.- Kargahar, District Sasaram at Rohtas from encroacher, so that construction of the Panchayat Raj building could be complete smoothly.

(iii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to complete the construction of panchayat raj building on the above stated land as early as possible, keeping the welfare of the people of the locality, so that the people of the locality and village could get benefit of building of Panchay Raj bhawan and also to run government project from the Panchayat Raj Bhawan and get benefited from the state government scheme.

(iv) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents not to construct Panchayat building over another land i.e. khata no.-431, plot no. 1168, area 62 decimal situated in ward no.- 10 of Karupa, as on same land no approval and sanction of the government has given and no soil testing has ever done by the government authority.



(v) For issuance of any other writ/writs /order/orders/direction /directions for which the writ petitioner is legally found entitled on behalf of his community and villagers under 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 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.

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 author-



ity, 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)

Vikash/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

