

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11324 of 2025

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Ramraj Singh S/o Late Jibodhan Singh, R/o-Kapasiya, P.S.-Paraiya,
Distt.-Gaya, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj, Gaya.
2. The District Magistrate, Gaya.
3. The District Panchayat Officer, Gaya.
4. The Sub-Divisional Officer, Tekari, Gaya.
5. The Land Reform District Collector, Tekari, Gaya.
6. The Circle Officer cum Block Panchayat Officer, Paraiya, Gaya.
7. The Executive Engineer, Building Division, Gaya.
8. The Assistant Engineer, Building Construction Department, Building Division, Gaya.
9. Kamaluddin Khan, S/o Late Jainuddin Khan, R/o-Aarif Nagar, Gewal Bigha, P.S.-Rampur, District-Gaya. Contractor.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC 5
Mr. Madan Mohan, AC to SC 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 Following are the reliefs sought for in the present writ application:-

“a. To issue an appropriate writ, order or direction to the Respondent authorities to ensure that the Panchayat Bhawan is constructed at Kapaisya village, Block- Paraiya, District- Gaya, strictly in accordance with the terms and



conditions mentioned in the Notice Inviting Tender (NIT), wherein the location of construction is clearly specified as Kapaisya.

b. To issue an appropriate direction to the Respondent to initiate a thorough and impartial inquiry against the contractor, that may be submitted forged or fabricated documents in the tender process, thereby obtaining the tender on the basis of submitting false document, which is in violation of law and public interest.

c. To issue a further direction to the Respondent to forthwith restrain from proceeding with or undertaking any Construction of the Panchayat Bhawan at Kaudiya village, as the sanction sites for such construction, as per the approved NIT and tender document is KapasiyVillage.

d. To pass any other order/s as may be deemed just and proper in the interest of justice.”

2. At this juncture, it is pertinent to refer to the statements made in paragraph nos. 5, 6 & 7 of the counter affidavit filed on behalf of the Respondent Nos. 2 to 8 which are quoted hereinbelow:-

“5. That the reliefs' sought for by the petitioner cannot be granted to him on account of the fact that 54 dec. land of plot no. 470 appertaining to khata no. 130 situated in Village -Kapasiyawas selected for constructing Panchayat Sarkar Bhawan but at the time of layout, the Assistant Engineer informed the Anchal Adhikari, Pariya



that the said land does not fulfill the conditions for constructing the said Panchayat Bhawan in as much as the said land was situated at 15 ft height from the Road level and accordingly it was neither possible nor advisable to construct the said Panchayat Bhawan and thereafter further requested to select another land constructing the same but on for enquiry, it is was found that no Government land was available in Village -Kapasiya which fulfilled condition / criterion laid down by the Panchayati Raj Department, Bihar for constructing the required Panchayat Bhawan and accordingly proposal for constructing the same upon 35 dec. land of plot no. 225 under khata no. 29 in the nearby Village Kaudiya which is nearly at a distance of 01 KM was sent by the Anchal Adhikari, Pariya vide memo no. 927 dated 15/04/2025 which is Government land as well as is in accordance with the guidelines and the directions contained in the Circular issued by the Panchayati Raj Department, Bihar for constructing the Panchayat Sarkar Bhawan and as such the present writ application is devoid of merit and fit to be dismissed.

6. That it would not be out of place to mention here that 54 dec, land of Plot No. 40 appertaining to Khata no 130 situated in Village -Kapasiya was selected for constructing panchayat Sarkar Bhawan in Panchayat Kapasiya but at the time of Layout the said land was not found fit for Constructing the said panchayat Bhawan and accordingly the same was rejected by the Assistant Engineer, Bhawan Division no. 1, Gaya in as much as thereafter the said



Assistant Engineer further requested to provide Fresh land for constructing the said Panchayat Bhawan and accordingly Proposal for constructing the said Panchayat Bhawan over 35 dec. land of Plot No. 225 under Khata NO. 29 was sent by the Anchal Adhikari, Pariya vide memo NO. 927 dated 15.04.2025 which is annexure-A to this counter affidavit.

7. That it is humbly submitted that the said Assistant Engineer also reported the said fact to the Executive Engineer, Bhawan Division, Gaya and accordingly the Executive Engineer also written letter no. 1522 dated 05/06/2025 wherein he specifically stated that the 54 dec. land of plot no. 40 at under khata no. 130 situated Village Kapasiya does not fulfill the conditions for constructing the said Panchayat Bhawan in as much as the said land was situated at 15 ft height from the Road level and accordingly it was neither possible nor advisable to construct the said Panchayat Bhawan and as such requested to provide and demarcate the land over which the said Panchayat Bhawan can be constructed.”

3. From perusal of counter affidavit filed on behalf of Respondent nos. 2 to 8, it is evident that the change of site was done for valid and practical reasons based on technical assessment and administrative necessity. The selection of site for construction of such government building is essentially a policy matter of the State Government, in which this Court finds no reason to interfere with.



4. It is also noted that the counter affidavit was served upon learned counsel for the petitioner on 08.09.2025, however, there is no rebuttal to the statements made therein.

5. In view of the aforesaid facts and circumstances, we find no merit in the present writ application, and accordingly, the same stands disposed of.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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