

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12078 of 2025

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Jivachh Ray Son of Chalitar Ray, Resident of Village- Maheyan, P.O- Malpur,
Police Station- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Block Development Officer, Patepur, Vaishali.
4. The Circle Officer, Patelpur, District- Vaishali.
5. Bihar State Religious Trust Board, Patna through its President.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Suraj Narain Yadav, Advocate
		Mr. Masoom Alam, Advocate
		Ms. Annu Shree, Advocate
For the Respondent/s	:	Mr. Yogendra Pal Sinha, AAG-7
For the Bihar State		
Religious Trust Board	:	Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 29-07-2025 Heard learned counsel for the petitioner, learned

counsel appearing for the Bihar State Religious Trust Board and

learned counsel appearing for respondents-State.

2. The petitioner has prayed for following reliefs in
the present writ application:

*“1. That this is an application for
issuance of a writ in the nature of Certiorari to
quash the order of District Magistrate, Vaishali
(Hajipur) as contained in memo no. 1405 dated
30.05.2025 by which the representation of the*



petitioner dated 26.04.2025 has been rejected and further for issuance of a writ in the nature of Mandamus and/or any other appropriate writ, order or direction commanding upon the respondents to give No Objection for constructing the Panchayat Sarkar Bhawan pursuant to the decision of the Aam Sabha dated 26.01.2024 vide Proposal no. 33 of the Gram Panchayat, Malpur over 53 decimal of land out of 93 decimal of Khata no. 1007, Khesra no. 2212, situated in Mauza- Malpur, Thana no. 557, Anchal-Patelpur which is recorded in the Khatiyani and Jamabandi is also running in the name of Mahanth Ram Charan Das Chela Mahanth Pratap Das, who has given No Objection but the matter is pending for want of No Objection to be given by the Circle Officer, Patepur and by the Religious Trust Board and to restrain the respondents to construct Panchayat Sarkar Bhawan over 40 decimal land out of 84 decimal of Khata no.1404, Plot no. 4761 for which tender has been passed without the decision of the Aam Sabha and also in view of the decision of Aam Sabha dated 31.01.2022.”

3. The case of the petitioner in nutshell is that the Panchayat Sarkar Bhawan is being sought to be constructed at a place, different from the place which has been decided by the Aam Sabha of the Gram Panchayat concerned. Learned counsel for the petitioner submits that this is not in accordance with



Rule-3 of Bihar Panchayat Miscellaneous Rule-1961 and therefore, the decision of the functionaries of the State Government is required to be interfered with.

4. The submission made by learned counsel for the petitioner is well appreciated, but the facts remains that the writ application relates to construction of Panchyat Sarkar Bhawan and more particularly, it relates to the issue of situs. This issue had come up for consideration before the Division Bench of this Court in the case of ***Krishna Deo Kumar vs. The State of Bihar & Ors.*** wherein by judgment dated 23.02.2024 passed in CWJC No.3280 of 2024, the Division Bench was pleased to hold as follows:

“5. It is worth noting that so far the construction of Panchayat Sarkar Bhawan is concerned, the same is within the exclusive jurisdiction of the Gram Panchayat and a decision as to its situs lies entirely within the domain of Panchayat concerned and the State Government has exclusive jurisdiction to take a decision in this regard. So far the grievance of the petitioner is concerned, he has already represented before the concerned authorities, including the District Magistrate, Arwal and any direction of this Court would be uncalled for, in the matter.”



5. Considering the fact that it has been clearly held by the Division Bench of this Court that matters relating to construction of Panchayat Sarkar Bhawan lies within the exclusive jurisdiction of the Gram Panchayat and a decision as regards its situs lies entirely within the domain of the Panchayat concern and the State Government has exclusive jurisdiction to take a decision in this regard, I am constrained to dismiss this writ application as not maintainable.

(Alok Kumar Sinha, J)

Prakash Narayan

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