

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11644 of 2025

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Shambhu Kumar Singh S/o Late Shivraj Singh, Resident of Village and P.O.-
Bihari Bigha, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Panchayati Raj Department, Govt of Bihar, Patna
2. The Collector, Patna District, Patna.
3. The Additional Collector (Revenue Section), Panta, District- Patna.
4. The Circle Officer, Circle Office Pandarak, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Prasad Singh, Sr. Advocate
		Mr. Binod Kumar Sinha, Advocate
		Mr. Ajay Kumar Prasad, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, learned Advocate General

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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):-

"(a) To Issue a writ of mandamus commanding the respondents to discharge their legal obligation to construct the Panchayat Bhawan of Bihari Bigha Headquarter of Bihari Bigha Panchayat after enquiry and verification of the place.

(b) To issue a writ of mandamus commanding the respondents to make immediate steps for restraining the construction of Panchayat Bhawan under Mauza- Chaknuri, Thana No. 27, Khata No. 12 and 75, Khesra No.242 and 241, in place of Bihari Bigha Mauza-Trimuhan, Thana No. 20, Khata No. 229, Khesra No. 918.



(c) To issue a writ of mandamus commanding the respondents to take immediate steps in the light of representation dated 25.03.2025 of the petitioner submitted before the respondent no. 1 and 2 requesting therein if the land is defective whereas the public of Bihari Bigha Panchayat are ready to provide the another land for construction of Panchayat Bhawan.

(d) To any other relief or reliefs for which the petitioner may be found entitle to."

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 con-



struction of *Panchayat Bhawan* in the relevant Panchayat. If such application or representation is submitted to the concerned authority, 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

