

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12156 of 2024

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1. Panchanand Singh Son of Sri Atyendra Singh Resident of village- Dewan, Post Office- Dewan, Mashaurhi, Block- Dhanuras District- Patna.
 2. Aplendra Kumar Son of Sri Brijnandan Singh Resident of village- Milk Dewan, Post Office- Dewan, Masaurhi, Block- Dhanruas District- Patna.
- Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
 2. The Principal Secretary, Revenue and land Reforms Department, Govt. of Bihar, Patna.
 3. The Commissioner, Patna Division, Patna.
 4. The Chief Engineer, Building Construction Department, Govt. of Bihar, Patna.
 5. The District Magistrate, Patna.
 6. The Executive Engineer, Bhawan Division, Guljarbagh, Patna City, Patna.
 7. The Sub Divisional Officer, Masaurhi, District- Patna.
 8. The Circle Officer, Block- Dhanura, District- Patna.
 9. The Block Development Officer, Block- Dhanrua.
 10. The Block Panchayat Raj Officer, Block- Dhanrua.
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar
For the Respondent/s : Mr. Swapnil Kumar Singh, AC to GP-19

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-01-2025 1. Heard learned counsel for the petitioners and learned
AC to GP-19.

2. The learned counsel appearing on behalf of the State,
at the outset, submits that the writ application is not maintainable
at the instance of the petitioners as petitioners neither have locus
nor it can be inferred from the pleadings made in the writ
application that petitioners are aggrieved by the action of the



authorities except for the fact that it is the contention of the petitioners that they are ready to donate some land in the village concerned for construction of Panchayat *Sarkar Bhawan* when the authorities are planning to construct Panchayat *Sarkar Bhawan* within the same Panchayat, but approximately four kilometers away from village Dewan Gram Panchayat, Dhanrua, Patna where the petitioners want the Panchayat *Sarkar Bhawan* to be constructed. It is next submitted that the construction of Panchayat *Sarkar Bhawan* is completely within the domain of the Executive and if they intend to get a Panchayat *Sarkar Bhawan* constructed within the Panchayat on a government land, the petitioners should have no objection, but then the petitioners object for the reason that the guidelines issued for construction of Panchayat *Sarkar Bhawan* by the *Panchayati Raj* Department is not being adhered to, especially Clauses 3, 4 and 5 of the guidelines dated 30.08.2022 (Annexure-1). It is further submitted that petitioners are interested in getting the Panchayat *Sarkar Bhawan* constructed at Village Dewan which comes within Dewan Gram Panchayat, Dhanrua, Patna but then Panchayat *Sarkar Bhawan* which is going to be constructed is also being constructed within Dewan Gram Panchayat itself. It is also submitted that the clauses on which the learned counsel appearing on behalf of the petitioners is relying does not come to his aid for the reason that the guideline is clear



that Panchayat *Sarkar Bhawan* generally has to be constructed in the village of the headquarter of the Panchayat. It is next submitted that the land is available with the government and it is within the same Panchayat and hence it is for the executives to decide where the Panchayat *Sarkar Bhawan* is to be constructed. It is next submitted that it is not for the petitioners to decide that where the Panchayat *Sarkar Bhawan* will be constructed.

3. It is further submitted by the learned State counsel by placing reliance on Para-6 of the writ application that it has been pleaded that co-villagers of Dewan on 23.11.2022 and 12.06.2024 (Annexures 3 and 4) filed a representation before the *Anchaladhikari*, Block, Dhanrua for shifting Panchayat *Sarkar Bhawan* at Dewan village under Dewan Gram Panchayat, Dhanrua, Patna stating therein that co-villagers are ready to transfer the land for making the building of Panchayat *Sarkar Bhawan* in Dewan village having an area of 108 decimals in the name of Governor, Bihar as the said plot is situated at village Dewan under Dewan Gram Panchayat, Dhanrua Patna. It is, thus, submitted that from the pleadings made at para-6, it appears that that co-villagers have represented before the *Anchaladhikari*, Block, Dhanrua and not the petitioners, as such, petitioners do not have any locus to raise the grievance as raised in the instant writ application.



4. The learned State counsel also relies on an order dated 23.02.2024 passed ***in CWJC No. 3280 of 2024 (Krishna Deo Kumar Vs. The State of Bihar)*** annexed as Annexure R/2 and submits that the Hon'ble Division Bench also at Para-5 had noted 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. It is, thus, submitted that in the present case the co-villagers have already represented before the *Anchaladhikari*, as such, any direction by this Court would be uncalled for. It is reiterated and submitted that the petitioners do not have locus to seek the relief in the instant writ application as from the pleadings made in the writ application, it appears that petitioners before approaching this Court had not approached the authorities and the co-villagers are not writ petitioners.

6. The learned counsel appearing on behalf of the petitioners is not in a position to rebut the submission of the



learned counsel appearing on behalf of the State.

7. After hearing the learned counsel for the parties, the Court finds no merit in the writ application.

8. Accordingly, the instant writ application is dismissed.

(Satyavrat Verma, J)

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