

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15233 of 2025

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Madhaw Kumar S/O-Vidyapati Yogendra Nath, R/O- Mohalla Arya Vihar Colony, Bochachak, P.S-Phulwarisharif, Phulwari, P.O- Phulwarisharif, Dist-Patna, Bihar-801505

... .. Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary, Government Of Bihar.
2. The Chief Secretary, Govt. Of Bihar Patna
3. The Principal Secretary, Panchayati Raj Department, Govt. Of Bihar Patna.
4. The Joint Secretary, Panchayati Raj Department, Govt. Of Bihar.
5. The District Magistrate, Patna.
6. The District Panchayat Raj Officer, Patna.
7. The Principal Secretary, Planning And Development, Govt. Of Bihar Patna
8. The Engineer In Chief, Building Construction Department, Govt. Of Bihar
9. The Chief Engineer, Building Construction Department, Patna.
10. The Sub Divisional Officer, Paliganj, Patna.
11. The C.O, Dulhinbazar Circle, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the State	:	Mr. Vikash Kumar, SC-11

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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)

2 04-11-2025 The present writ application has been preferred by way of Public Interest Litigation.

2. Following is the relief sought for in the present writ application:-

“i. To restraining the Respondent’s from continuing or completing the construction of the



Rajipur Panchayat Bhawan, going to be construct at Baduri village tola which is far from 4 KM from the main village Rajipur gram panchayat without following the due procedure laid down vide memo no. 2P/PVB-09-39/2020(PART)/8354/PR PATNA, DATED 30.08.2022, LETTER NO. 281 DATED 08.01.2024 and LETTER NO. 12514 DATED 26.12.2024.

ii. To direct the Respondents to immediately halt construction on the currently unauthorized site and shift the project to the Rajipur panchayat village.

iii. To direct an enquiry into the decision-making process and persons responsible for the selecting the land without following due process of law for which loss of huge public money and directed to punish the responsible persons in accordance with law.

iv. Issue any other appropriate order or direction as this Hon'ble Court may deem fit and proper in the interest of justice and fair governance."

3. It has been submitted by the petitioner that he does not belong to the concerned *Panchayat* where the *Panchayat Bhawan* is proposed to be constructed. None of the members of the said *Panchayat* have come forward to raise any grievance with respect to the construction of *Panchayat Bhawan* within its territorial jurisdiction. It is for the local self-government to take an appropriate decision regarding the site selection of the *Panchayat Bhawan*, as per the guideline of the State Government.



4. Further, a Coordinate Bench of this Court in C.W.J.C. No. 8361 of 2023, has held that construction of Government buildings like Panchayat Bhawan etc. is a matter of policy and cannot be subject to P.I.L. The relevant paragraph of the judgment is reproduced as under:-

“6.Further in the opinion of this Court, the decision with respect to construction of Government buildings like the Panchayat Sarkar Bhawan etc., which is carried out in the furtherance of the policy decision of the State Government cannot be a subject matter of public interest litigation.”

5. Accordingly, we do not find any merit in the present application and the same is hereby dismissed.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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