

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17310 of 2024

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1. Vasant Pasavan Son of Late Dukhan Paswan Resident of Village and P.O. Riur, P.S. Narari Kala Khund, Block Barun, Aurangabad.
 2. Ranjeet Kumar Singh Son of Late Parasnath Singh Resident of Village and P.O. Riur, P.S. Narari Kala Khund, Block Barun, Aurangabad.
 3. Surendra Kumar Son of Late Vishwanath Mehta Resident of Village and P.O. Riur, P.S. Narari Kala Khund, Block Barun, Aurangabad.
 4. Sanjay Sharma Prajapati Son of Late Girija Sharma Prajapati Resident of Village and P.O. Riur, P.S. Narari Kala Khund, Block Barun, Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Panchayat Raj, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The District Panchayat Raj Officer, Aurangabad.
4. The Block Panchayat Raj Officer, Block Barun, Aurangabad.
5. The Block Development Officer, Block Barun, Aurangabad.
6. The Circle Officer, Circle Barun, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate
For the State	:	Ms. Shally Kumari, AC to Sc-24
	:	Mr. Vibhuti Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2025 Heard Mr. Anirudh Kumar Verma, learned counsel

for the petitioners and Ms. Shally Kumari, learned counsel for

the State.

2. The present writ petition has been filed for

directing the respondents to establish Panchayat Sarkar Bhawan

at Head Office of Panchayat, Riur, Block-Barun, District-

Aurangabad as per guidelines issued vide letter no. 7593 dated



26.11.2019.

3. Learned counsel for the petitioners submits that the office of the Panchayat Riur is situated at Village Riur since independence. There is sufficient land available in the head office of the Panchayat Riur over the land appertaining to Khata No. 90, Plot no. 1579 measuring total area 5 acre 27 decimal out of which 50-55 decimal land is required for establishment of Panchayat Sarkar Bhawan.

4. Learned counsel for the petitioners submits that the concerned authority for establishment of Panchayat Sarkar Bhawn at Village-Riur issued general notice dated 02.01.2024 inviting objection but till now no objection has been made by anyone. He further submits that vide letter no. 7593 dated 26.11.2019 the department of Panchayati Raj, Govt. of Bihar has issued guideline in respect of establishment of Panchayat Sarkar Bhawan stating therein that in case of non-availability of the land at the head office of Panchayat the same would be shifted to another village falling under the same Panchayat.

3. Learned counsel for the petitioners submits that in connivance with the present Mukhiya the concerned authority is trying to shift the Panchayat Sarkar Bhawan to another village namely Sohda Ramdiha. on the ground that the proposed land is



having larger area and excluding the settled land there are sufficient land available for establishment of the building.

4. Learned counsel for the State has taken preliminary objection with regard to maintainability of the writ petition and submits that number of orders have been passed by Division Bench of this Court that the location of Panchayat Bhawan is for the executive to decide and not for the Court to supplement its opinion. It shall be wholly inappropriate of this Court to approve executive power to decide the location of Panchayat Bhawan and in the present case the grievance of the petitioners is that the Panchayat Sarkar Bhawan is being constructed at different plot. The Division Bench this Court in CWJC No. 23833 of 2013 by order dated 09.12.2013 has opined that the location of Panchayat Bhawan is more of an executive policy matter and it is not for the Court to decide whether one location is better than the other and in the recent order passed by the Division Bench of this Court in CWJC No. 3282 of 2023 decided on 07.04.2023 which is quoted hereinbelow:-

“The averments in the writ petition discloses that all the petitioners were public representatives of the Gram Panchayat in question at the time the earlier site was selected in 2021. They have alleged that the Gram Sabha comprising of present members



and Mukhiya have now initiated shifting of the proposed site for construction of the Panchayat Sarkar Bhawan to a place which is not suitable.

Whether the Panchayat Sarkar Bhawan is constructed at site A or B is an issue best left to the people's representatives in the local self government institutions as well as the local authorities to decide based on various factors/parameters Such a decision is essentially a matter of policy.

This Court is, therefore, not inclined to exercise its discretionary jurisdiction in respect of such policy matters.”

5. Learned counsel for the State further submits that apart from that as per the guidelines of the State Government with respect to construction of the Panchayat Bhawan vide dated 07.07.2015, paragraph-4 of that letter suggest that-

"माननीय उच्च न्यायालय पटना में पंचायत सरकार भवन के स्थल आदि से संबंधित दायर रिट याचिका सी०डब्लू० जे०सी० सं० 18446/2013 भूप नारायण ठाकुर बनाम राज्य सरकार एवं अन्य में खंडपीठ द्वारा पारित न्यायादेश दिनांक 26.09.2013, सी०डब्लू० जे०सी० सं० 23833/2013 रामकिशोर ठाकुर एवं अन्य बनाम राज्य सरकार एवं अन्य में खंडपीठ द्वारा पारित न्यायादेश दिनांक 0912 2013 तथा सी०डब्लू० जे०सी० सं० 19585/2013 राजपाल मिश्रा बनाम



राज्य सरकार एवं अन्य में एकलपीठ द्वारा पारित न्यायादेश दिनांक 21.01 2015 में यह प्रेक्षण किया गया है कि पंचायत सरकार भवन की अवस्थिति तथा निर्माण आदि के संबंध में निर्णय लेना कार्यपालिका नीति का विषय है और इसमें न्यायिक हस्तक्षेप वांछनीय नहीं है।"

6. Considering the aforesaid facts as well as the order of this Hon'ble Court, no case is made out for interference of this Court.

7. Accordingly, this writ petition is dismissed.

(Rajesh Kumar Verma, J)

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