

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17127 of 2025

Arun Kumar Son of Bhupal Yadav, Resident of Village- Dhuabai, Police Station-Sanokhar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Director, Panchayati Raj Department, Government of Bihar, Patna.
5. The District Magistrate, Bhagalpur.
6. The Additional District Magistrate, Bhagalpur.
7. The District Panchayat Raj Officer, Bhagalpur.
8. The Executive Engineer, Building Construction Department, Bhagalpur.
9. The Assistant Engineer, Building Construction Department, Bhagalpur.
10. The Sub-Divisional Officer, Kahalgaon, Bhagalpur.
11. The Block Development Officer, Sanhaulla, Bhagalpur.
12. The Circle Officer, Sanhaulla, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Nitya Nand Neeraj, Advocate
For the State	:	Mr. Nadim Seraj, GP 5
		Mr. Shailesh Kumar, AC to GP 5

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 11-11-2025 Following are the reliefs sought for in the present writ application:-

“(i) For issuance of an appropriate writ / order / direction to the respondents restraining them to proceed with any construction in the name of Panchayat Sarkar Bhavan or any other Government



offices on the lands bearing Khata No. 373, Plot No. 1152, Thana No. 491, Mauza-Dhuabai, Police Station- Sanokhar, District- Bhagalpur as area of said plot has been used by local public for worship of Maa Kali Mandir which is existing on the part area of the plot since 1906 and vacant area is use for organizing mela cultural programme and other public purpose.

(ii) For issuance of an appropriate writ / order / direction that the State Government of Bihar is not competent to take away the right of the local public for use of worship of Goddess Maa Kali and performing of cultural and social works on the land by the people residing in the locality and religious function which is right guaranteed under part III of Constitution of India.

(iii) For issuance of an appropriate writ / order / direction granting any other relief or reliefs for which the petitioner is found entitled.”

2. Considering the reliefs sought for, it is advisable that the concerned local authority/competent authority should take a decision in respect to the site selection and construction of any government building.

3. Whether such government building is constructed at site ‘A’ or ‘B’ is an issue best left to the people representatives in the local self-government institutions as well as the concerned local authorities/competent authorities, to decide based on various factors/parameters. Such decision is essentially a matter of policy.

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. The writ application is, accordingly, dismissed.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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