

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1063 of 2025

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Ashok Kumar Sahu, Son of Late Hari Kishun Sahu R/o- Village- Sahobigha,
Police Station- Ghoshi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
3. The Joint Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The District Magistrate, Jehanabad.
5. The District Panchayati Raj Officer, Jehanabad.
6. The Block Development Officer, Ghoshi, Jehanabad.
7. The Circle Officer, Ghoshi, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Respondent/s : Mr. Government Advocate (10) with
Mr. Manoj Kumar Yadav, AC to GA 10.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 09-12-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

*“(i)for issuance of a writ
in the nature of certiorari to quash the
order containing Memo no. 39 dated
03.09.2024 issued under signature of
Joint Secretary, Panchayati Raj
Department, Govt. of Bihar, Patna, so far
as it relates to the case of the petitioner,
addressed to the Accountant General,
Bihar, Patna whereby the selected site for
construction of Panchayat Sarkar
Bhawan has been changed without any*



inquiry report and for this a request was made to sanction amount for construction of Panchayat Sarkar Bhawan and further the petitioner prays for a direction to construct the Panchayat Sarkar Bhawan in the Headquarters of the Gram Panchayat namely Sahobigha in a land appertaining to Khata No. 149 Plot No. 923 Area 52 Dec. as per the report of District Magistrate as contained in letter No. 1206 dated 18.07.2014.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing the letter contained in Memo No. 2010 dated 11.11.2024 issued under the signature of Respondent No. 7 (The Circle Officer) who has changed the construction site of Panchayat Sarkar Bhawan from village Sahobidgha to village Madhopur on the basis of an objection of a stranger who is neither the resident of village nor have any concern with the selected land appertaining to Khata No. 149, Plot No. 923, Area 51 decimal.

(iii) For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondent authorities to select another suitable piece of land for construction of Panchayat Sarkar Bhawan at village Sahobigha as said village is the headquarter village of Gram Panchayat Sahobigha as the selected site is situated on the one corner of the Gram Panchayat and if Panchayat Sarkar Bhawan will be constructed on the proposed alternative site then it may cause hardship to other



part of Gram Panchayat on the other hand Sahobigha is situated at the Centre of Gram Panchayat.”

3. Learned counsel appearing on behalf of the petitioner has submitted that the Panchayat Raj Department, Government of Bihar has issued guidelines regarding construction of Panchayat Sarkar Bhawan in the Headquarter village of the Gram Panchayat. That the petitioner is concerned with the village Sahobigha. That the Circle Officer, Ghoshi after verification of the site has recommended for construction of the Panchayat Sarkar Bhawan in Khata No. 149, Plot No. 923 admeasuring an Area of 51 Decimals in village Sahobigha. Thereafter, the Gram Panchayat has also held a special meeting and passed a resolution recommending the site which has been recommended by the Circle Officer. That a frivolous objection has been filed by one Sufia Neha before the District Magistrate, Jehanabad claiming the land as her own, however, the District Magistrate has made his recommendations to the Additional Chief Secretary. Thereafter, the Joint Secretary, Panchayat Raj Department without any legal basis has issued the impugned letter bearing Memo No. 39 dated 03.09.2024 changing the selected site from the village Sahobigha to Dariyapur Tola Ramganj/Madhapur without any reason overriding the recommendations of the District Magistrate and also the



resolution of the Gram Panchayat. Learned counsel has further submitted that as per the Government Policy dated 07.07.2015 (Annexure-P/1) and 26.11.2019 (Annexure-P/2), the Panchayat Sarkar Bhawan has to be constructed in the centrally allocated village and the village Sahobigha is a village Headquarters. That the shifting of the site from Sahobigha to village Dariyapur Tola Ramganj/Madhopur which is at a distance of 4 km from village headquarters will not only cause great hardship to the majority of the population but also is contrary to the above said guidelines. That the Joint Secretary in an arbitrary and unilateral manner has changed the site overriding the recommendations made by the Circle Officer, District Magistrate and also the resolution passed by the Gram Panchayat. That even for the sake of arguments, if it is considered that the objection filed by Sufia Neha is genuine one, the authority ought to have selected an alternate site in the village Sahobigha itself but for reasons best known to the authority, they without any rhyme and reasons have shifted the site to Madhopur. Learned counsel has, therefore, prayed this Hon'ble Court to set aside the impugned order dated 03.09.2024 and allow the present writ petition.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very



maintainability of the present writ petition. Learned counsel has stated that the site which was originally proposed by the Circle Officer, Ghoshi was disputed and litigation is pending, therefore, the authority after taking the legal opinion from the Government Pleader, Jehanabad have taken a decision to shift the construction of the Panchayat Sarkar Bhawan from village Sahobigha to village Dariyapur Tola Ramganj/Madhapur. That the decision to construct the Panchayat Sarkar Bhawan is a matter of policy taken by the State Government and individual persons or the villagers cannot have any say in the same. Learned counsel has submitted that new site suggested by the Circle Officer, Ghoshi which is situated in Madhopur Khata No. 80, Plot No. 687 is free from any dispute as it is a Gair Mazarua Malikan Partikadim Land and the same was selected on the basis of B.D.O.'s population report and guidelines issued by the Government of Bihar. Learned counsel has stated that the present writ petition filed by the petitioner is not maintainable in view of the judgment of the Division Bench of the Hon'ble Court passed in CWJC No. 3282 of 2023 dated 07.04.2023. Learned counsel has, therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. A Division Bench of this Hon'ble Court in CWJC



No. 3282 of 2023 vide order dated 07.04.2023 under similar circumstances has held as under:-

“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.”

6. The decision to construct a Panchayat Sarkar Bhawan is depend on lot of factors/administrative reasons and the authorities are well equipped to take a decision as to where to construct the Panchayat Sarkar Bhawan. The High Court under Article 226 of the Constitution of India cannot substitute its wisdom and direct the authorities to construct the Panchayat Sarkar Bhawan at a different place than the one chosen by the authorities. In this particular case, there is no allegation of any mala fides against the respondent-authority. In the absence of the same, the individual villagers or the Gram Panchayat cannot have any grievance as to where the Panchayat Sarkar Bhawan is to be located/constructed.

7. Having regard to the above mentioned facts and



circumstances, this Court does not find any merit in the present writ petition which warrants any interference by this Court and accordingly, the present writ petition stands dismissed, however, without costs.

(A. Abhishek Reddy, J)

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