

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19639 of 2024

-
-
1. Ram Pravesh Singh S/O Shivmangal Singh, Residence of Village- Baheri (Nadaura), Post Office- Phulwariya Baheri, P.S.- Gurua, District- Gaya, Bihar- 824205.
 2. Krishn Deo Singh, S/o- Kailash Singh, Residence of Village- Nadauri (Nadaura), Post Office- Fulwariya Baheri, P.S.- Gurua, District- Gaya, Bihar- 824205.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Panchayat Raj, Government of Bihar, Bailey Rd. Veerchand Patel Road Area, Patna, Bihar- 800015.
2. The District Magistrate, Gaya, Dipak Rd, Durga Bari, Gaya, Bihar- 823001.
3. The District Development Commissioner, Gaya. Vikash Bhawan, near SBI Main Branch, Durga Bari, Gaya, Bihar 823001.
4. The District Panchayat Raj Officer, Gaya, Durga Bari, Gaya, Bihar- 823001.
5. The Sub-divisional Officer, Sherghati, Bari Rd, Sherghati, Bihar- 824219.
6. The Block Development Officer, Gurua, Cherki Rd, Gurua, Bihar- 824205.
7. The Anchal Adhikari, Gurua, District- Gaya, Naser, Gurua, Bihar 824205.
8. The Mukhiya, Gram Panchayat Nadaura, Block Gurua, District- Gaya, Bihar- 824205.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Respondent/s	:	Mr. Standing Counsel (08)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 17-03-2025

Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for the following reliefs :



“(i) For appropriate order/orders or direction/directions in the nature of writ of mandamus for directing the respondent authorities especially, the Respondent No. 8 and Respondent No. 2, 7 to cancel the subsequent proposed/approved selected place i.e. at village/Tola-Mahadev Sthan (stronghold of Naxals), 6 KM away from the centre of Gram Panchayat Raj Village Nadaura as it does not ensure the safety of the villagers.

(ii) For appropriate order/orders or direction/directions in the nature of writ of mandamus for a direction upon the respondent nos. 2 to 8 not to process further any construction work of Panchayat Sarkar Bhawan at Tola/Village Mahadev Sthan rather to properly investigate the matter raised by concerned villagers of Nadaura Panchayat by a Competent Authority.

(iii) For appropriate order/orders or direction/directions in the nature of writ of mandamus for directions to Respondent to approve/construct Panchayat Sarkar Bhawan (Panchayat Government Building) in the centre of village Nadaura, being the village of Gram Panchayat Raj, on government land bearing Khata No. 149, Plot No. 1202, measuring 6 acres and 57 decimals or at any plot in the middle of the village.”

3. Learned counsel for the petitioners submits that the Government has taken a decision for proposed a Government



Panchayat Building for the Panchayat Nadaura and the construction of the Panchayat Bhawan is already going on and the present writ petition has been filed by the petitioners to cancel the proposal as decided by the competent authority.

4. A counter affidavit has been filed on behalf of the respondent-State, it has been stated that the competent authority i.e. Anchal Adhikari has directed the Karamchari to enquire into the matter and submit a report and according to the report of Karamchari dated 01.02.2025, stating therein that the land in question pertaining to Plot No. 53 under Khata No. 103 is “Parti Kadim” and the same is constructed near the School in question at a distance of 150 feet from the School and apart from that learned counsel for the State has taken a preliminary objection with respect to maintainability of writ petition that the petitioner has no locus to raise the issue with respect to construction of the Panchayat Bhawan in question. He further submits that as per guidelines of the State the only elected members of the concerned Panchayat or the Government Officials is responsible to take a decision with respect to construction of the Panchayat Bhawan in question. Apart from that a Division Bench of this Hon’ble Court in the case of *Naveen Kumar Ram and Other*, vide order dated 07.04.2023 passed in C.W.J.C. No. 3282 of 2023, recorded that “*Whether the*



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

5. In view of the aforesaid, the writ petition stands dismissed.

(Rajesh Kumar Verma, J)

Ibrar//-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.03.2025
Transmission Date	N.A.

