

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.930 of 2026

Harendra Kumar son of Vaidhanath Singh, resident of village- Dharmagatpur Bathua, Ward No.14, P.O. Dharmagatpur Bathua, P.S. Pusa, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur, District - Samastipur.
4. The District Panchayat Raj Officer, Samastipur, District - Samastipur.
5. The Block Development Officer, Pusa, District - Samastipur.
6. The Circle Officer, Pusa, District - Samastipur.
7. The Block Panchayat Raj Officer, Pusa, District Samastipur.
8. The Gram Panchayat Raj, Bishanpur Bathua, Block - Pusa, District - Samastipur through the Mukhiya.
9. The Mukhiya, The Gram Panchayat Raj, Bishanpur Bathua, Block - Pusa, District - Samastipur.
10. The Panchayat Secretary, The Gram Panchayat Raj, Bishanpur Bathua, Block - Pusa, District - Samastipur.
11. The Revenue Karamchari, The Gram Panchayat Raj, Bishanpur Bathua, Block - Pusa, District - Samastipur.
12. Ram Janki Mandir Matth, Bishanpur Bathua, P.O. Dharmaghat Pur Bathua, P.S. - Pusa, District- Samastipur, through the Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Adv. Mr. Awnish Kumar, Adv.
For the State	:	Mr. Government Pleader (03)
For Resp No.9	:	Mr. Abhay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-06-2026

Heard learned Advocates appearing for the respective parties.

2. The grievance of the petitioner is specifically confined to the action of the respondent authorities in relation to



the construction of the Panchayat Sarkar Bhavan at Mauza Dharmagatpur, Bathua, Thana No. 19, by changing and shifting the earlier proposed site at Bishanpur, Bathua, situated on Revisional Survey Plot Nos. 2887 and 2888 duly approved by the Gram Sabha. The petitioner has also challenged the decision whereby the earlier proposal for construction of the Panchayat Sarkar Bhavan at Bishanpur, Bathua, has been withdrawn and a fresh decision has been taken to construct the same at Mauza Dharmagatpur, Bathua. It is the contention of the petitioner that the entire action of shifting the site and constructing the Panchayat Sarkar Bhavan at Dharmagatpur, Bathua, is contrary to the guidelines issued by the State Government through the Department of Panchayati Raj, as contained in Letter No. 8354 dated 30.08.2022.

3. Learned Advocate for the petitioner submitted that a substantial piece of land had been donated by Shri Ram Janki Temple for the construction of the Panchayat Sarkar Bhavan and the Secretary of the Temple had already furnished a No Objection Certificate in this regard after getting proper approval of Gram Sabha. But, all of a sudden and without any justifiable reason, the earlier decision was withdrawn merely on account of an alleged dispute, concerning 11 decimals of the land, belonging to Shri Ram Janki Temple. Consequently, the Mukhiya of Gram Panchayat Raj, Bishanpur Bathua, took a



fresh decision based upon the report of Revenue Karamchari to construct the Panchayat Sarkar Bhavan at a different village, which is not the headquarter of the Gram Panchayat.

4. A counter affidavit has been filed on behalf of the State respondents, duly sworn by the Circle Officer, Pusa, Samastipur. It has been stated therein that, in light of Letter No. 2801 issued by the Panchayati Raj Department dated 22.07.2023, a proceeding was initiated through Land Transfer Case No.04/2024-25 and the concerned authorities were directed to submit a proposal regarding the availability of land from concerned Revenue Karamchari and the Anchal Amin through the Circle Inspector. Pursuant thereto, the Revenue Karamchari reported that land appertaining to Khata No. 1114 and Khesra Nos. 1970, 1973 and 1974 of Mauza Dharmagatpur, Bathua, Thana No. 19, is available for construction of the Panchayat Sarkar Bhavan. Thereafter, a physical verification of the site was conducted and the land was found suitable for the proposed construction. It has further been stated that, since the land donated by Shri Ram Janki Temple was under dispute, the decision to select an alternative site was taken through an Aam Sabha after proper verification.

5. A separate counter affidavit has also been filed on behalf of respondent no. 9. It has been submitted at the Bar that Dharmagatpur, Bathua, forms part of the same village as of



Bishanpur, Bathua. However, owing to the dispute concerning a portion of the land donated by Shri Ram Janki Temple, relating to 11 decimals of the said land which is presently *sub judice* before the competent Civil Court, a fresh decision has been taken to construct the Panchayat Sarkar Bhavan on a Government land, which is free from any encumbrance or dispute. The aforesaid decision has been taken by a duly formed Gram Sabha presided over by the Mukhiya and other Members.

6. Having considered the submissions advanced on behalf of the respective parties and upon perusal of the materials available on record, this Court finds that the grievance of the petitioner is primarily as to whether the selection of the new site for construction of the Panchayat Sarkar Bhavan is in conformity with the guidelines issued by the Panchayati Raj Department of the State Government. This Court is of the considered opinion that the decision regarding the construction of a Panchayat Sarkar Bhavan falls primarily within the domain of the State Government and is required to be undertaken with the approval of the Gram Sabha and in accordance with the applicable guidelines governing site selection and construction. The District Magistrate and the Circle Officer are under an obligation to ensure that the terms and conditions prescribed under the relevant guidelines are duly complied with while selecting the site and undertaking construction of the Panchayat



Sarkar Bhavan.

7. In the facts and circumstances of the present case, this Court does not find any reason or occasion to interfere with the impugned decision at this stage. However, in order to ensure fairness in adherence to the applicable guidelines, this Court deems it appropriate to direct respondent no. 6, the Circle Officer, Pusa, Samastipur, to examine the matter afresh and ascertain whether the selection of the new site and the proposed construction of the Panchayat Sarkar Bhavan thereon are in accordance with the guidelines issued by the Panchayati Raj Department. Such exercise shall be undertaken after affording an opportunity of hearing to all stakeholders and by passing a reasoned order in accordance with law.

8. With the aforesaid observations and directions, the writ petition stands disposed of.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.06.2026
Transmission Date	NA

