

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3416 of 2026

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Abhay Kumar Singh S/o Dudhnath Singh, R/o- Village Dewapur, P.O and
P.S.- Barauli, District- Gopalganj, Bihar- 841405

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj, District- Gopalganj, Bihar.
4. The District Education Officer, Gopalganj, District- Gopalganj, Bihar.
5. The Circle Officer, Barauli, District- Gopalganj, Bihar.
6. Executive Engineer, Building Construction Department, Gopalganj, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan, Advocate
For the Respondent/s : Mr. Advocate General

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

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

5 14-07-2026 Heard learned counsel for the parties.

2. The petitioner has preferred the present writ application in the form of Public Interest Litigation for the following reliefs:-

"i. To issue an appropriate writ, order or direction, declaring the action of the Respondent-authorities, particularly the Respondent No 5 i.e. Circle Officer Barauli Gopalganj in granting approval and permitting construction of Panchayat Sarkar Bhawan on the land, appertaining to khata No. 535 Khesra No 750, Thana No 430, Mauza Dewapur ad-measuring 26.85 decimals as illegal, arbitrary,



unconstitutional and violative of Articles 14, 21 and 21 A of the Constitution of India,

ii. To issue an appropriate writ of mandamus directing the Respondent-authorities to forthwith stop all ongoing construction activities in regards to Panchayat Sarkar Bhawan on the said land in question and to maintain complete status quo over the said land in question.

iii. To issue an appropriate writ order or direction directing the Respondent-authorities to take appropriate action in accordance with law for removal of unauthorised construction in regards to Panchayat Sarkar Bhawan already raised on the said land in question and to restore the land to its original character as a school playground, strictly in accordance with law.

iv To issue an appropriate writ of certiorari quashing and setting aside the approval/permission granted by the Respondent No. 5. i.e. Circle Officer Barauli Gopalganj vide Letter No 1175 dated 06 07.2024 or by any other authority for construction of Panchayat Sarkar Bhawan on the said land in question, earmarked for the playground of a combined educational campus situated at Village + P.O- Dewapur, PS Barauli, District Gopalganj, Bihar 841405, being without jurisdiction and contrary to settled law.

v. To issue an appropriate writ, order or direction directing the Respondent-authorities to initiate disciplinary and legal proceedings against the erring officials responsible for permitting and facilitating the illegal construction of Panchayat Sarkar Bhawan on public utility land meant for school children.

vi. To issue an appropriate writ of mandamus directing the Respondent-authorities to ensure protection, fencing and demarcation of the school playground, so that no future



encroachment or diversion takes place.

vii. To issue an appropriate writ, order or direction holding that public land in question earmarked for educational and recreational purposes cannot be diverted or regularised, in accordance with law.

viii. Pending final disposal of the present Public Interest Litigation, pass an interim order restraining the Respondent-authorities from carrying out any further construction in regards to Panchayat Sarkar Bhawan on the playground of the High School, Dewapur, Gopalganj."

3. Considering the reliefs sought for, it is noteworthy that the local authority is the competent body to take decision with respect to the site selection and construction of the Panchayat Sarkar Bhawan.

4. Whether the Panchayat Sarkar Bhawan 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 local authorities to decide based on various factors/parameters. Such decision is essentially a matter of policy.

5. 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 Sarkar 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.”

6. In view of the discussions made above, we are of the view that no further order is required to be passed in the present case.

7. However, if so advised, the petitioner may make an appropriate application before the District Magistrate, Gopalganj (Respondent No.3), who shall consider the petitioner's grievance and pass an appropriate order in accordance with law.

8. With the aforesaid observation, the writ application stands disposed of.

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

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Suruchi/Rajesh/-

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