

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8339 of 2026

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Ram Briksh Prasad Son of Late Jageshwar Prasad Das, Resident of Village-
Dirawan, Bodhgaya, Police Station-Cherki, District-Gaya Ji.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Bihar, Patna.
2. The Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Divisional Commissioner, Magadh Division, Gaya.
4. The District Magistrate cum Collector, Gaya.
5. The District Panchayati Raj Officer, Gaya.
6. The Sub-Divisional Officer, Sadar, Gaya.
7. The Deputy Collector, Land Reform, Sadar, Gaya.
8. The Block Panchayati Raj Officer, Bodhgaya, District-Gaya.
9. The Block Development Officer, Bodhgaya, District-Gaya.
10. The Building Division, Gaya.
11. The Circle Officer, Bodhgaya, District-Gaya.
12. Manoj Kumar Mehta Expramukh, Son of Late Kapildeo Mahto, Resident of village-Kurmawa, Police Station-Cherki, District-Gaya.
13. Arun Kumar Deputy Mukhiya Kurmawa Panchayat, Block- Bodhgaya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ujjawal Kumar Singh
For the Respondent/s : Mr.Standing Counsel (13)

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CORAM: HONOURABLE MR. JUSTICE GIRIJISH KUMAR
ORAL ORDER

2 25-06-2026 Heard learned counsel for the petitioner and

learned counsel appearing for the respondent-State.

2. In the present writ application, the petitioner

has prayed for grant of following reliefs;

“(i) To issue an appropriate order/orders



direction/directions including a writ preferably in the nature of prohibition restraining the respondents from construction of a Panchayat Building in Kordhandhi tola situated in village-Kurmawa under Bodhgaya Block in the District of Gaya ji which is not a suitable place for the construction and the same is always inundated with water.

(ii) To direct the respondents to concern to construct Panchayat Building after taking consent from the Mukhiya of the concern Panchayat.

(iii) To direct the respondent no.4 to take action against the guilty persons who are adamant to construct the Panchayat Building in a place inundated with water and not suitable for the same.

(iv) To any other relief/reliefs to which the petitioner may be found entitled in the fact and circumstances of the case..”

3. Learned appearing on behalf of the petitioner, inter-alia, contended that the department of Panchyati Raj has issued an instruction that Panchayat building should be constructed in the head quarter of Gram Panchayat in the land which is Gairmzarua Aam and Annabad Bihar Sarkar, however, the construction of Panchayat building is being carried out by the respondents in Kordhandhi, Kurmawa Tola under Gram Panchayat, Dirawan in Bodhgaya block in the district of Gayaji which is not the headquarter of Gram Panchayat. He further submits that Panchayat building



cannot be constructed by filling any water sources pond lake or marsh. However, even in flood affected areas, Panchayat buildings are being built at higher places so that they remain unsafe. He further submits that in village Panchayat Kurmawa, land admeasuring 01 acre and 86 decimal appertaining to Khata No. 255, 254, Khesra No. 1154, 489 recorded as Annabad Sarvsadharan land is available despite that the Mukhiya of the concern Panchayat has provided another site on the main road of village-Dirawan, P.S. Cherki, Block-Bodhgaya, District-Gaya which is not the suitable place for the construction as the same is inundated with water.

4. I have heard the submission advanced by the learned counsel for the petitioner and have gone through the materials available on record.

5. This Court is of the view that in the matter of construction of Panchayat building, no statutory rule or regulation is applicable rather it is being done on the basis of an executive policy formulated for implementation of an executive policy, therefore, in such a situation, a writ can not be issued as held by the Supreme Court in the case of ***The Union of India & Ors. Vs. S.L. Abbas*** reported in **1993(4)**



SCC 357. The petitioner, if so advised, may take up the matter with the competent authority of the State Government by filing of a representation and it is for the competent authority to consider the grievance of the petitioner and take action as may be permissible under law.

6. The Petitioner is a busy body and not an aggrieved party, and no statutory or legal right of the petitioner is infringed or threatened, therefore, writ application under Article 226 of the Constitution of India, is not maintainable at the instance of the petitioner.

7. With the aforesaid observation/direction and liberty granted to the petitioner this writ application is disposed of.

(Girijish Kumar, J)

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