

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.818 of 2025

In
Civil Writ Jurisdiction Case No.12078 of 2025

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Jivachh Ray, son of Chalitar Ray, resident of Village- Maheyan, P.O.- Malpur,
Police Station- Patepur, District- Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Block Development Officer, Patepur, Vaishali.
4. The Circle Officer, Patepur, District- Vaishali.
5. Bihar State Religious Trust Board, Patna through its President.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Suraj Narain Yadav, Advocate Mr. Jata Shankar Jha, Advocate Mr. M. Alam, Advocate Mr. Chandra Mohan, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate General Mr. Additional Advocate General (7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-02-2026

This Letters Patent Appeal has been filed by appellant Jivachh Ray challenging the order dated 29.07.2025 passed by the learned Single Judge of this Court in C.W.J.C. No.12078 of 2025 whereby the writ petition has been dismissed.

2. The writ-petition was filed by the appellant to quash the order of the learned District Magistrate, Vaishali (Hajipur) as contained in Memo No.1405 dated 30.05.2025 by



which the representation of the appellant dated 26.04.2025 was rejected. It was further prayed in the writ petition for issuing a direction to the respondents to give No Objection for constructing Panchayat Sarkar Bhawan pursuant to the decision of Aam Sabha dated 26.01.2024.

3. It is the case of the appellant that on 31.01.2022, a meeting of Aam Sabha was held wherein the earlier proposed site over Khata No.1404, Plot No.4761 for construction of Panchayat Sarkar Bhawan was cancelled. According to the writ-petitioner, no resolution was ever passed by the then Gram Sabha for construction of Panchayat Sarkar Bhawan over such plot and the Mukhiya in his own interest has given such proposal. It is the further case of the writ-petitioner that on 10.02.2022 again the meeting of Aam Sabha of the Gram Panchayat was held and a decision was taken to construct the Panchayat Sarkar Bhawan over the land of Khata No.1007, Khesra No.2212 which stood recorded in the name of Mahanth Ram Charan Das. The writ-petitioner requested the Circle Officer, Patepur for taking No Objection from the Religious Trust Board for construction of Panchayat Sarkar Bhawan. The Circle Officer, Patepur by his letter dated 06.06.2024, requested the President of the Bihar Religious Trust Board to give No



Objection for construction of Panchayat Sarkar Bhawan over the land in question and the writ-petitioner also submitted representation to the District Magistrate, Vaishali on 11.06.2024. It is the further case of the writ-petitioner that the villagers again submitted a representation to the District Magistrate, Vaishali on 28.01.2024 to grant permission for construction of Panchayat Sarkar Bhawan over Plot No.2212 and to cancel the earlier No Objection which was given over Plot No.4761. Since the Respondent Nos.4 and 5 to the writ petition did not give No Objection, the writ-petitioner approached this Court for a direction to the respondents to give No Objection for construction of Panchayat Sarkar Bhawan pursuant to the decision of the Gram Sabha dated 26.01.2024 and to restrain the respondents to construct Panchayat Sarkar Bhawan over Plot No.4761, Khata No.1404. The said writ petition was disposed of vide order dated 22.04.2025 and liberty was granted to the writ-petitioner to file a detailed representation before the District Magistrate who shall decide the same by passing a reasoned and speaking order. The representation was filed by the writ-petitioner before the concerned authority i.e. District Magistrate, Vaishali on 26.04.2025 and the matter was heard on different dates and the report was called for from the Circle Officer and



Block Development Officer, Patepur who also submitted the report and ultimately the learned District Magistrate vide order dated 30.05.2025 rejected the representation of the writ-petitioner and came to hold that land appertaining to Plot No.4761, Khata No.1404 is proper for construction of Panchayat Sarkar Bhawan. The case of the writ-petitioner that no reason has been assigned and no finding has been given by the learned District Magistrate to take such a decision, was impugned in the case.

4. The learned Singe Judge considering the ratio laid down by the Division Bench of this Court in the case of **Krishna Devo Kumar vs. The State of Bihar & Ors.**, decided on 23.02.2024 passed in C.W.J.C. No.3280 of 2024, wherein it was held that so far as the construction of Panchayat Sarkar Bhawan is concerned, the same is within the exclusive jurisdiction of the Gram Panchayat and a decision as to its situs lies entirely within the domain of the Panchayat concerned and the State Government has exclusive jurisdiction to take a decision in this regard and since the State Government has the exclusive jurisdiction to take a decision in this regard, dismissed the writ petition.

5. In the counter affidavit filed on behalf of the



respondents by one Prabhat, Circle Officer, Patepur, Vaishali, it is stated that several decisions have been rendered by this Court that the question of location and construction of Panchayat Bhawan is a matter of Executive policy and judicial interference is not warranted. It has been further held that the location of Panchayat Bhawan is for the Executive to decide and not for the Court to supplant its opinion and it shall be wholly inappropriate exercise of public interest jurisdiction to usurp the executive power to decide the location of the Panchayat Bhawan. In the counter affidavit it is further stated that the resolution of the Gram Sabha is only recommendatory in nature and it is not binding and the final authority vests with the Executive which has been upheld in the case of **Bhup Narayan Thakur**, which is a Division Bench decision and also it was re-affirmed in the case of **Prahlad Kumar Singh** in the year 2025. It is further stated in the counter affidavit that since one plot has already been finalized by the competent authority after enquiry and the tender process has been initiated for construction of the Panchayat Sarkar Bhawan, there was no occasion for granting any further No Objection for another plot in respect of the same project. Once the site has been duly approved and tender floated, the question of issuing another NOC does not arise. It is



further stated that in compliance of the order passed by this Court, the District Magistrate, Vaishali duly heard the appellant, the local officials and all the stakeholders and thereafter passed a reasoned and speaking order rejecting the representation of the writ-petitioner. It is further stated that the alternative land suggested through Gram Sabha resolution belongs to a Mahanth and was not registered with the Religious Trust Board thereby creating a legal and ownership complications and that in absence of land at Panchayat Headquarters, suitable Government land in any other part of the Panchayat can be selected by the Executive Body, which in the present case has already been done and the land that was finalized was found to be more suitable, undisputed and accessible for construction, whereas the proposed site submitted by the appellant was private and likely to create future disputes. Accordingly, the learned District Magistrate considering all the relevant aspects, rejected the representation of the appellant. It is further highlighted in the counter affidavit that the principle of *audi alteram partem* has been fully complied with and opportunity of hearing has been given to the appellant as well as the other stakeholders. It is further highlighted that when the District Magistrate, Vaishali while deciding the representation of the



appellant considered the reports of the Circle Officer, Block Development Officer, the resolution of the Gram Sabha, the departmental guidelines as well as the earlier proposal already finalized for construction of Panchayat Sarkar Bhawan over Plot No.4761, Khata No.1404, Mauza: Malpur and given a detailed reasons, there cannot be any illegality in the same to be interfered with.

6. The learned Advocate General also placed the notification of the Panchayati Raj Department, State of Bihar dated 30.08.2022 wherein also it is highlighted that in the matter of selection of site for Panchayat Sarkar Bhawan, the District Magistrate has the final say over the matter.

7. After going through the pleadings and the stand taken by the State Government in the counter affidavit, we are of the view that there is no perversity in the order of the learned Single Judge and since the scope of interference in the Letters Patent Appeal is within a narrow compass and it is a corrective jurisdiction which should be used rarely to correct errors, if any made, and we find no perversity or error in the impugned order, we are not inclined to grant any relief to the appellant in this Letters Patent Appeal.

8. Accordingly, the Letters Patent Appeal stands



dismissed.

9. Interlocutory Application(s), if any, shall stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2026
Transmission Date	NA

