

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15426 of 2025

1. Gita Mandal Son of Mahaveer Mandal, Resident of Village Harla, Kundri Son Kurha Harla, P.O.-Amarath, Block - Jamui, P.S. - Jamui, District - Jamui, Bihar, being in the capacity of the present Mukhiya, Gram Panchayat Raj Kundri Sankurha, Block-Jamui, District-Jamui.
2. Jamuna Thakur, S/o Devi Thakur, R/o Village- Sankurha (Baharayan), P.S.- Jamui, District- Jamui being in the Capacity of Sarpanch of Gram Panchayat Raj Kundri Sankurha, Block - Jamui, District- Jamui.
3. Vinita Devi, W/o Sakindra Kumar, R/o Village-Sitarampur, P.S- Jamui District- Jamui, being in the capacity of ward Panch, ward no.-03, Gram Panchayat Raj Kundri Sankurha, Block- Jamui, District-Jamui.
4. Chanda Devi, W/o Mukesh Singh, R/o Village Ganesh nawada, P.S- Jamui, Dist- Jamui, being in the capacity of Ward Panch, ward no.08 Gram panchayat Raj Kundri Sankurha, Block Jamui, Distiret- Jamui.
5. Pramila Devi, W/o Nageshwar Mandal, R/o Village Harla, P.S-Jamui, District- Jamui, being in the capacity of Ward Panch, ward no.-13 Block-Jamui, District-Jamui.
6. Manju Devi, W/o Naresh Mandal, Village-Harla, P.S- Jamui, Dist- Jamui, being in the capacity of ward Panch, ward No.-14 Gram panchayat Raj Kundri, Sankurha Block-Jamui, Dist- Jamui.
7. Gajo Manjh, S/o Late Gopal Manjhi, Resident of Village Kharsari, P.S- Jamui, District- Jamui being in the capacity of Ward Member, ward no.02, Gram Panchayat Raj Kundri Sankurha, Block- Jamui, District - Jamui.
8. Ajay Pawan, S/o Ruso Paswan, R/o Village- Ganesh Nawada, P.S-Jamui, District- Jamui, being in the capacity of Ward Member, ward no.08 Gram Panchayat Raj Kundri Sankurha, Block-Jamui, District - Jamui.
9. Manju Devi, W/o Shyam Ravidas, Village- Kundri P.S- Jamui, District- Jamui, being in the Capacity of Ward Member, Ward No.09 Gram Panchayat Raj Kundri Sankurha, Block - Jamui, District - Jamui.
10. Ritu Devi, W/o-Mannu Singh, R/o-Village - Kundri, P.S- Jamui, District- Jamui being in the capacity of Ward Member Ward no.10, Gram Panchayat Raj Kundri Sankurha, Block-Jamui, District-Jamui.
11. Bibha Devi, W/o Pankaj Ram, R/o Village- Sankurha (Baharain) P.S- Jamui, Dist- Jamui, being in the capacity of Ward Member, Ward no.11, Gram Panchayat Raj Kundri Sankurha, Block-Jamui, Dist- Jamui.
12. Ganita Devi, W/o Ramwadan Paswan, R/o Village-Harla, P.S-Jamui, District Jamui, being in the capacity of Ward Member, Ward no.13, Gram Panchayat Raj Kundri Sankurha, Block-Jamui, District - Jamui.
13. Darogi Manjhi, S/o Yamuna Manjhi, R/o Village- Mahugay, P.S-Jamui, District Jamui, being in the capacity of Ward Member, Ward no.15, Gram Panchayat Raj Kundri Sankurha, Block-Jamui, District - Jamui.
14. Bhagirath Tanti, S/o Ram Chandra Tanti, R/o Village - Kharsari, P.S. - Jamui, District - Jamui, being in the capacity of Ward Member, Ward no. 03, Gram Panchayat Raj Kundri Sankurha, Block-Jamui, District - Jamui.



... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Old Secretariat, Patna.
2. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, District-Jamui.
4. The District Panchayat Officer, District- Jamui.
5. The Sub Divisional Officer, Jamui, District- Jamui.
6. The Block Development Officer, Block- Jamui, District- Jamui.
7. The Block Panchayati Raj Officer, Block-Jamui, District-Jamui.
8. The Circle Officer, Jamui, District- Jamui.
9. The Executive Engineer, Building Division, District-Jamui.
10. Baijnath Nirman India Pvt. Ltd., Work Agency, Karyapalak Abhiyanta Bhawan, Division, Jamui.
11. The Halka Karamchari, Kundri Sankurha Panchayat, Block and District-Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Y.V Giri, Sr. Advocate
Ms.Shrishti Singh, Advocate
For the Respondent/s : Mr.Standing Counsel (11)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 20-01-2026

The writ petition has been filed in the nature of Public Interest Litigation by the petitioners seeking for the following reliefs:-

“To issue an appropriate writ, order, direction in the nature of certiorari for quashing letter no. 719 dated 02.07.2024 issued by the District Magistrate, Jamui to the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar; wherein land at Mauza-Kundri - Sankurha, Harla, Thana no. 244, Khata no. 333, Khesra no. 1173, comprising 50



decimals has been found sufficient for construction of Panchayat Sarkar Bhawan in Gram Panchayat Raj Kundri Sankurha of Block Jamui (Annexure-P/7, Pg.-48).

(ii) To issue an appropriate writ, order, direction in the nature of mandamus for commanding the respondents to construct the Panchayat Sarkar Bhawan on plot no. 2614, Khata No. 334, Mauza Kundri-Sankurha-Harla, Anchal-Jamui, District-Jamui.

(iii) To issue an appropriate writ, order, direction in the nature of certiorari for quashing the SBD Tender no. 33/2024-2025 dated 17.02.2025 to the extent of construction of Panchayat Sarkar Bhawan in Kundri Sankurha Panchayat (Annexure-P/8, Pg.-50).

(iv) To any other relief(s) for which the petitioner appears to be found entitled to by the Hon'ble Court."

2. The main grounds taken for seeking relief is that the decision dated 02.07.2024 is contrary to the guidelines issued by the State of Bihar as also is contrary to the resolution of the Gram Sabha dated 02.10.2022. Further, ground has been taken that the respondents have assumed uninhibited discretionary powers beyond what has been conferred on them and the decision has been taken without considering the objections raised and the recommendation made and therefore, the action of the respondent authority is arbitrary, illegal and violative of Article 14 of the Constitution of India.

3. The case of the petitioners is that the department of Panchayati Raj, Government of Bihar, Patna issued Letter No.



8354 dated 30.08.2022, whereby and whereunder it has been mandated that a minimum of 50 decimal of land is required for making Panchayat Sarkar Bhawan, accordingly a piece of land was selected and recommended, which is 41.323 and the same is a part of 2.61 Acre of land and it is purely a Government land. It is the further case that since the land measuring 2.61 Acres and 50 Decimals is available for consideration and even otherwise the recommended land is sufficient for construction in terms of the Notification No. 281 dated 08.01.2024 issued by the Panchayati Raj Department, the petitioners are entitled to get the relief. It is the further case of the petitioners that at the instance of a former Member of Bihar Legislative Council, the District Magistrate, Jamui recommended another place for construction of Panchayat Sarkar Bhawan to the Additional Chief Secretary, Panchayati Raj Department, Government of Bihar and it was jointly signed by District Panchayati Raj Officer, Jamui, the Deputy Development Commissioner, Jamui and District Magistrate Jamui. The case of the petitioners further is that a tender dated 17.02.2025 was floated for construction of Panchayat Sarkar Bhawan in Kundri Sankurha Panchayat and the new location of the Panchayat Sarkar Bhawan construction work was not



mentioned anywhere in the notification. Several, representations were filed by the petitioners and other villagers, however, the authority did not pay any heed to the same.

It is the further case of the petitioners that under extraneous condition a unilateral decision has been taken to construct the Panchayat Sarkar Bhawan at new site despite the fact that only 5 decimals of land is available at the new site and the said land is not at the village headquarter. The authorities are bent upon to proceed with the construction work. It is the further case of the petitioners that Panchayat Sarkar Bhawan is the nucleus of the working of the Panchayati Raj System and constructing the same at the headquarter and the centre will ensure convenience and accessibility to not just the residents of the village but also to the adjoining villages and therefore, the decision taken is against the will of the people and the guidelines promulgated have been blatantly flouted with the respondents assuming uninhibited discretionary power and such action contravenes the principle of good governance and it is a facet of public interest. Since, the decision taken by the respondent authority is palpably unreasonable and colorable exercise of power violative of



Article 14 of the Constitution of India, the same should be interfered with.

4. Upon issuance of notice the respondent nos. 3 to 8 have filed the counter affidavit, wherein, it is stated as follows:-

“8. That, the office of the Collector, Jamui, vide letter no. 33 dated 09-01-2024 has earlier sent proposal for construction of the Panchayat Sarkar Bhawan, in Kundri-Sankurha, thana no. 244, khata no. 334, plot no. 2164, area 41.323 dismil of land which is 'GairmajaruaAam' land and its nature is 'Dagar'. In this regard, report has been received from the Circle Officer, Jamui.

9. That, the Circle Officer, Jamui, has further sent enquiry report vide letter no. 713 dated 25-06-2024 wherein it has been stated that as per the survey map the land pertaining to mauja-Kundri-Sankurha, Harla, thana no. 244, khata no. 333, plot no. 1173, is 1.05 acre. However, in the gairmajarua register, only 5 dismil of land has been entered in the said plot. The Circle Officer, Jamui, has further stated in the said report dated 25-06-2024 that as per the survey map, there is 50 dismil of land in plot no. 1173, khata no. 333, mauja-Kundri-Sankurha, Harla, circle-Jamui, which is suitable for the construction of the Panchayat Sarkar Bhawan.

10. That, accordingly, the Collector, Jamui, after considering the measurement report sent by the Circle Officer, Jamui, has sent proposal vide letter no. 719 dated 02-07-2024 to the Additional Secretary, Panchayati Raj Department, Bihar, Patna, after making necessary amendment, whereby the land under plot no. 1173, khata no. 333, area-50 dismil, mauja-Kundri-Sankurha, Harla, circle-Jamui, has been found to suitable for the construction of the Panchayat Sarkar Bhawan. Further, the said land is free from being under GairmajaruaAam/land ceiling/forest cover/water body or any other land dispute.

11. That, the Block Panchayati Raj Officer,



Jamui, vide letter no. 256 dated 19-09-2025 has sought current status from Circle Officer, Jamui, with regard to the said land.

12. That, the Circle Officer, Jamui, vide letter no. 1237 dated 10-10-2025 has submitted enquiry report on the complaint of the writ petitioner, wherein it has been clearly mentioned that the construction of the Panchayat Sarkar Bhawanis being done in Kundri-Sankurha Panchayat, which is the headquarter village of the said Gram Panchayat, which is in accordance with the departmental guidelines issued vide letter no. 8354 dated 30-08-2022 (Annexure-P/6) wherein it has been stated the construction of the Panchayat Sarkar Bhawan shall be done generally in the headquarter village of the Gram Panchayat and as per earlier guidelines contained in Letter No 7593 dated 26.11.2019 in case of non-availability of land in the headquarter village suitable land in other village of the Gram Panchayat Area may be chosen by the concerned Collector.

13. That, the proposal sent by the Mukhiya, Smt. Gita Mandal (petitioner), with regard to plot no. 2614 which is 'GairmajaruaAamDagar' land, has not been found to be suitable. Thus, the office of the District Panchayat Raj Officer, Jamui, vide letter no. 588 dated 29-05-2024 has sought fresh proposal pursuant to which the aforesaid proposal report has been submitted by the Circle Officer, Jamui.

14. That, the land proposed by the Mukhiya, Smt. Gita Mandal, with regard to plot no. 2614 does not lie under the headquarter of the Panchayat whereas it comes under the village Harla. This is not in accordance with the departmental guidelines dated 30-08-2022.

Further, the nature of the land is 'Dagar' which is not in accordance with the said departmental guidelines, wherein it has been mentioned that the nature of the land chosen shall not be 'pokhar', 'taalab', 'sadak', 'bhind', 'pind', 'aahar', 'paine', 'nala', 'jungle' etc.

15. That, in view of the aforesaid facts, it is apparent that the proposal sent by the Collector, Jamui to the Additional Secretary, Panchayati Raj Department, Bihar, Patna, vide letter no. 713 dated 02-07-2024 is tenable in the eyes of law.



16. That, accordingly, S.B.D. Tender No. 33/2024-25 dated 17-02-2025 (Annexure-P/8 of the writ petition) has been issued for the construction of the Panchayat Sarkar Bhawan under Kundri-Sankurha Panchayat, by the Executive Engineer, Building Construction Department.

17. That, it is humbly submitted that S.B.D. Tender No. 33/2024-25 dated 17-02-2025, has already been issued for the construction of the Panchayat Sarkar Bhawan on the most suitable land. Thus, claim made by the petitioner for the construction of the Panchayat Sarkar Bhawan, on plot no. 2614, khata no. 334, mauja-Kundri-Sankurha, Harla, circle-Jamui, is baseless, misleading and fit to be rejected.”

5. The rejoinder affidavit has been filed by the petitioners to the counter affidavit filed by respondent nos. 3 to 8, paragraphs no. 3 to 5 whereof are reproduced hereinbelow:-

“3. That with regard to the statements made in paras 12 & 14 of the counter affidavit under reply, it is stated that the same are incorrect and denied. The Panchayat Bhawan at Harla is in fact within The village headquarter which is evident from checklist prepared by the respondent authorities (Annexure-P/4, relevant page 36 of the writ petition), wherein it has been mentioned that the land is situated in the village headquarter. Letter dated 10.10.2025 is merely an unfounded post facto justification being advanced after filing of the present writ petition.

4. That it is stated that it has come to the knowledge of the petitioner that the land where the Panchayat Bhawan is now being constructed has been approved for construction of PACS Godown through letter no. 1341 dated 09.10.2023. Therefore also, the current land for construction is not appropriate for Panchayat Bhawan.

5. That with regard to the statements made in para 13 of the counter affidavit under reply, it is submitted that the same is incorrect and denied. The



land is suitable for constructing the Panchayat Bhawan as is evident from the checklist forming part of the proposal at Annexure-P/3 at page 34 and Annexure-P/4, relevant page 36 of the writ petition. It has been specifically mentioned that even though the land is described as Dagar, the breadth and width are sufficient. Moreover, according to the checklist, the said land is suitable and does not suffer from any infirmity.”

6. Mr. Y.V. Giri, learned Senior counsel for the petitioners being assisted by Ms. Shrishti Singh, has placed before us Annexure-P/2 and Annexure-P/7 and advanced the argument that the decision taken to change the site is arbitrary and some extraneous consideration was there for taking such a decision.

7. However, learned counsel for the State has placed reliance on Annexure-P/6 to the counter affidavit, wherein, it is specifically stated that minimum 50 decimals of land is required for construction of Panchayat Sarkar Bhawan and further procedures have been laid down therein. Learned counsel for the State has also submitted that in similar matter a Division Bench of this Court in its judgment dated 19.09.2025 passed in **CWJC No. 11302 of 2025 (Shiv Shankar Singh Vs. The State of Bihar and Anr)** has taken note of the decision of the Hon'ble Supreme Court, which are as follows:-

“(a) State of Himachal Pradesh and



Others vs. Himachal Pradesh Nizi Vyavsayik Prishikshan Kendra Sangh, reported in (2011) 6 SCC 597 in which it is held that Courts are not intended to and should not substitute their views in the views of the Executive in policy matters;

(b) BALCO Employees' Union (Regd.) vs. Union of India and Others, reported in (2002) 2 SCC 333 in which it is held that unless a policy decision is arbitrary, mala fide or contrary to statutory provisions, Courts cannot interfere;

(c) Narmada Bachao Andolan vs. Union of India and Others, reported in (2000) 10 SCC 664 in which it is held that Courts should not examine the wisdom or correctness of policy choices."

8. After going through the averments taken in the writ petition, counter affidavit and the rejoinder to the counter affidavit, we find that in view of the notification issued by the Panchayati Raj Department under Annexure-P/6 and since the minimum land was not available as far as the earlier site is concerned, which was chosen at the first instance for construction of Panchayat Sarkar Bhawan, the present decision has been taken, however, law is well settled that in the policy matters of Government, the Court should not interfere unless there is palpable illegality or malafidness and the decision is against the public interest.

In the case of **Directorate Of Film Festivals And Ors. Vs. Gaurav Ashwin Jain And Ors. : 2007 SCC OnLine SC 500**, in paragraph 14, it has been held as follows :



“14. The scope of judicial review of governmental policy is now well defined. Courts do not and cannot act as Appellate Authorities examining the correctness, suitability and appropriateness of a policy. Nor are courts Advisors to the executive on matters of policy which the executive is entitled to formulate. The scope of judicial review when examining a policy of the government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. Legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review.”

In the case of **Centre For Public Interest Litigation**

And Another Vs. Union Of India And Others : (2000) 8

SCC 606, in para-21, it has been held as follows :

“21.The duty of the court is thus to confine itself to the question of legality. Its concern should be:

- (1) Whether a decision-making authority exceeded its powers?*
- (2) committed an error of law;*
- (3) committed a breach of the rules of natural justice,*
- (4) reached a decision which no reasonable tribunal would have reached or,*
- (5) abused its powers.*

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in the fulfilment of that policy is fair.....”



In the case of **Parisons Agrotech (P) Ltd. and Ors.**
Vs. Union of India (UOI) and Ors. : AIR 2015 SC 3335, in
para 12, it has been held as follows :

“12. No doubt, the writ court has adequate power of judicial review in respect of such decisions. However, once it is found that there is sufficient material for taking a particular policy decision, bringing it within the four corners of Article 14 of the Constitution, power of judicial review would not extend to determine the correctness of such a policy decision or to indulge into the exercise of finding out whether there could be more appropriate or better alternatives. Once we find that parameters of Article 14 are satisfied; there was due application of mind in arriving at the decision which is backed by cogent material; the decision is not arbitrary or irrational and; it is taken in public interest, the Court has to respect such a decision of the Executive as the policy making is the domain of the Executive and the decision in question has passed the test of the judicial review.”

In the case of in **State of Orissa and Ors. v. Gopinath Dash and Ors. : (2005) 13 SCC 495**, it has been held as follows :

“5. While exercising the power of judicial review of administrative action, the Court is not the Appellate Authority and the Constitution does not permit the Court to direct or advise the executive in the matter of policy or to sermonise qua any matter which under the Constitution lies within the sphere of the legislature or the executive, provided these authorities do not transgress their



constitutional limits or statutory power.

6. xx xxxx xxx

7. *The policy decision must be left to the Government as it alone can adopt which policy should be adopted after considering all the points from different angles. In the matter of policy decisions or exercise of discretion by the Government so long as the infringement of fundamental right is not shown the courts will have no occasion to interfere and the Court will not and should not substitute its own judgment for the judgment of the executive in such matters. In assessing the propriety of a decision of the Government the Court cannot interfere even if a second view is possible from that of the Government.”*

9. In view of such settled principle of law laid down by the Hon’ble Supreme Court, we find no perversity or illegality on the part of the Government in taking the decision, and we are not inclined to interfere with the same.

10. Accordingly, the writ petition stands dismissed.

11. Pending I.A., if any, stands disposed of.

(Sangam Kumar Sahoo, CJ)

ranjan/-

(Mohit Kumar Shah, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2026
Transmission Date	NA

