

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8361 of 2023**

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Mahendra Singh

Versus

1. The State of Bihar
2. The Chief Additional Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Special Works Officer, Panchayati Raj Department, Government of Bihar, Patna.
4. The District Magistrate-Cum-Collector, Rohtas at Sasaram.
5. The District Panchayat Raj Officer, Rohtas at Sasaram.
6. The Block Development Officer, Sanjhauli, Rohtas at Sasaram.
7. The Circle Officer, Sanjhauli, Rohtas at Sasaram.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Singh No.10, Advocate  
For the Respondent/s : Mr. Kumar Alok (SC 7)

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)**

**Date : 20-06-2023**

1. Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant case in the nature of a public interest litigation for the following relief(s):-

*“(i) For issuance of an appropriate writ/writ, direction/directions upon the respondent authorities to construct the Panchayat Sarkar Bhawan of Gram Panchayat Raj, Amaithi, Block - Sanjhauli, District - Rohtas at Sasaram (herein after called “the Panchayat*



*Sarkar Bhawan, Amaithi") at Village-Masona on the Government Land bearing Thana No. 242, Khata No. 501, Khesra No.1324, Area 0.50 Decimal, because the Population of Masona village is higher than Susadi village.*

*(ii) For quashing the Letter No. 722 dated 10/04/2023 issued by the District Magistrate, Rohtas at Sasaram by which he has requested to transfer the government land for Construction of the Panchayat Sarkar Bhawan, Amaithi in Village:- Susadi bearing Thana No. 245, Khata No. 296, Khesra No. 508/1536, Area 0.41 Decimal and Khata No. 297, Khesra No. 503, Area 0.09 Decimal instead of Village - Masona on the Government Land bearing Thana No. 242, Khata No. 501, Khesra No. 1324, Area 0.50 Decimal, which is totally against the Government Order contained in Letter No. 7593 dated 26/11/2019.*

*(iii) For any other relief/reliefs, which the Hon'ble Court may be grant to the petitioner in the interest of justice.”*

3. The case of the petitioner in brief is that he is a resident of village Masona under Police Station Sanjhauli in the District of Rohtas. It is contended that a direction was issued by the Principal Secretary, Panchayati Raj Department, Government of Bihar contained in letter no. 7593 dated 26.11.2019 to all District Magistrates in the State of Bihar, with respect to construction of a Panchayat Sarkar Bhawan at the headquarters of every Panchayat. It was further directed that in



case Government land is not available in the headquarter then the Panchayat Sarkar Bhawan may be constructed in another village where the Government land is available giving preference to the village where the population is higher.

4. It is the case of the petitioner that the Circle Officer, Sanjhauli, Rohtas at Sasaram submitted a report contained in letter no. 870 dated 30.8.2022 before the District Magistrate, Rohtas at Sasaram regarding construction of the Panchayat Sarkar Bhawan. It was mentioned in the said letter that the population of Masona was higher than that of village Susadi and land was also available. A public petition was also filed on 11.4.2023. In spite of these facts as also the petitioner having filed an application before the District Panchayat Raj Officer, Rohtas at Sasaram to select the Government land at village Masona for the construction of the Panchayat Sarkar Bhawan, the respondents are sitting tight over the matter and the petitioner is being made to move from pillar to post. As such the instant writ application for the reliefs prayed for, as quoted hereinabove.

5. Having heard learned counsel for the parties and having perused the material on record, although it is correct that a letter dated 26.11.2019 has been written by the Principal



Secretary of the Panchayati Raj Department, Government of Bihar to all the District Magistrates for establishment of a Panchayat Sarkar Bhawan at the headquarters of all the Gram Panchayats, however at the same time from perusal of the said letter which has been brought on record as Annexure-1 to the writ application it would transpire that the same is in the form of a guideline to the respective District Magistrates.

6. On perusal of the guidelines contained in the letter dated 26.11.2019 of the Panchayati Raj Department, it transpires that preference has to be given for establishment of Panchayat Sarkar Bhawan at the headquarters of the Gram Panchayat. In case land is not available, guidelines have been provided for choosing other alternatives. Here itself it would be important to keep in mind that the appropriate authority for deciding the place of construction of the Panchayat Sarkar Bhawan would be the concerned Department of the State of Bihar and/or the local administration and it is for this reason that even the letter dated 26.11.2019 provides that the decision has to be taken by the concerned District Magistrate. 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.

7. The Court finds no merit in the case of the petitioner.

8. The writ application is dismissed.

**(K. Vinod Chandran, CJ)**

**( Partha Sarthy, J)**

Spd/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.06.2023
Transmission Date	

