



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 1909/2022

1. Vijay Narayan Sharma

2. Asha Sharma



-----Petitioners

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Secretariat, Jaipur.

2. Principal Secretary, Panchayat Raj Department, Government Of Rajasthan, Secretariat, Jaipur.

3. District Collector, Tonk

4. The Chief Executive Officer, Zila Parishad, District Tonk (Rajasthan).

5. The Block Development Officer, Panchayat Samiti Malpura, District Tonk.

6. The Village Development Officer, Gram Panchayat Diggi, Malpura, District Tonk.

-----Respondents

For Petitioner(s) : Mr. Laxmi Kant Malpura, through VC

**HON'BLE MR. JUSTICE PANKAJ BHANDARI
HON'BLE MR. JUSTICE ANOOP KUMAR DHAND**

Order

05.02.2022

(BY THE COURT- PER ANOOP KUMAR DHAND, J)

The petitioners have filed this writ petition under Article 226 of the Constitution of India with the following prayers:



(i) the respondents may kindly be directed to immediately take appropriate action in the matter and proposal/work of creating a new Gram Panchayat Building on land of Khasra No.3418/1 be immediately stopped/cancelled.

(ii) it is further prayed that instead of creating a new building for Gram Panchayat at Khasra No.3418/1 which is almost 3 KM far away from the approach of the local citizens who are beneficiary and for which respondents are going to create a new building of the Gram Panchayat, the respondents be directed to develop/create existing building of the Gram Panchayat while incorporating the land of the closed/merged school and sanctioned budget of Rs 25.00 lacs be transferred for said purpose immediately.

As per the averments made in the writ petition, the building of Gram Panchayat, Diggi is situated at the location which is convenient to the local residents, but the District Collector, Tonk has allotted one Bigha land at Khasra No.3418/1 at Diggi for the construction of new building of Gram Panchayat, Diggi, District Tonk, which would cause inconvenience to the residents.

It appears that the petitioners have submitted certain representation before the authorities for raising their grievance for recalling the order of allotment dated 19.07.2019 and the building of Gram Panchayat be shifted in a Government Higher Secondary School, Diggi which is lying vacant.

Learned counsel for the petitioner submitted that the authorities have failed to redress their grievance and started construction on the location allotted by the District Collector, Tonk. Counsel for the petitioner further submitted that the proposed new building is situated far away and there are lack of facilities of transportation etc., so, it would be inconvenient for the villagers to attend the Panchayat proceedings. Lastly, he argued that by accepting this petition, direction be issued to the respondents to



construct and shift the new proposed building of Panchayat in the school situated nearby the area.

Heard counsel for the petitioner and perused the material available on record.

It is the settled law that the matter regarding construction of a building of public utility is the domain of the Government and its functionaries and until and unless it is demonstrated that there is a flagrant violation of any provision of law/rules in the action of authorities or it suffer from mala fides, no interference is permissible in such administrative matters while exercising powers of Judicial Review under Article 226 of the Constitution of India.

It has been held by the Hon'ble Apex Court on number of occasions that policy decisions of the State should not be disturbed until and unless they are found to be grossly arbitrary or irrational. This Court would not interfere with the policy decisions of the authorities until and unless the same can be faulted on the grounds of mala fides, unreasonableness, arbitrariness and unfairness.

The Hon'ble Apex Court in the case of "*J.R. Raghupathy Vs. State of A.P. reported in (1988) 4 SCC 364*" has observed as under:

"31. We find it rather difficult to sustain the judgment of the High Court in some of the cases where it has interfered with the location of Mandal Headquarters and quashed the impugned notifications on the ground that the Government acted in breach of the guidelines in that one place or the other was more centrally located or that location at the other place would promote general public convenience, or that the headquarters should be fixed at a particular place with a view to develop the area surrounded by it. The location of headquarters by the Government by the issue of the final notification under subsection (5) of Section 3 of the Act was on a consideration by the Cabinet Sub-Committee of the proposals submitted



by the Collectors concerned and the objections and suggestions received from the local authorities like the Gram Panchayats and the general public. Even assuming that the Government while accepting the recommendations of the Cabinet Sub-Committee directed that the Mandal Headquarters should be at place 'X' rather than place 'Y' as recommended by the Collector concerned in a particular case, the High Court would not have issued a writ in the nature of mandamus to enforce the guidelines which were nothing more than administrative instructions not having any statutory force, which did not give rise to any legal right in favour of the writ petitioners".

In view of the above, we do not find any merit in this writ petition and the same is hereby dismissed.

Stay application also stands dismissed.

(ANOOP KUMAR DHAND),J

(PANKAJ BHANDARI),J

HEENA GANDHI /54

