

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5215 of 2025

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Ranjan Kumar Son of Brajesh Kumar Singh, Resident of Village Pratappur
Gidha P.S. Karja District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
3. The Monitoring Officer, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The District Magistrate, Muzaffarpur.
5. The District Panchayat Raj Officer, Muzaffarpur.
6. The Sub-Divisional Officer, Muzaffarpur.
7. The Block Development Officer, Marwan District Muzaffarpur.
8. The Circle Officer, Marwan Circle, District Muzaffarpur.
9. The Panchayat Secretary, Karja Deeh Gram Panchayat, Block- Marwan District Muzaffarpur.
10. The Mukhiya, Gram Panchayat Raj, Karja Deeh, Block- Marwan, District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj
For the Respondent/s : Mr. Government Pleader (12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

JUDGMENT AND ORDER

C.A.V.

Date : 04-11-2025

1. The present writ petition has been filed restraining the respondent authorities from proceeding with the construction of the Panchayat Sarkar Bhavan at Karjadeeh under Marwan Block, District Muzaffarpur. The petitioner further



prays for a direction upon the respondents to conduct an inquiry in terms of the direction, dated 15.11.2024, issued by respondent no. 5, i.e., the District Panchayati Raj Officer. Petitioner also seeks direction upon the respondents to implement and adhere to the guidelines issued by respondent no. 3, i.e., the Monitoring Officer, Panchayat Raj Department, dated 12.05.2021.

2. I.A. No. 01 of 2025 has been filed for adding additional reliefs i.e.

- i. For demolition of the structure of the Gram Panchayat Sarkar Bhavan, Karjadeeh, Block Marwan, District Muzaffarpur, which has been constructed upon the land in dispute.
- ii. Grant of compensation to Hanuman Pustakalaya, Pratapur, since the construction has been made without following the mandate of law.

3. Considering the nature of I.A. No. 01 of 2025, the same is allowed and the amended prayer shall be taken as forming part of the main writ application.

4. Brief facts giving rise to the present petition are that the petitioner claims to be the legal heir of Late Sewak Singh and Late Hanuman Prasad Singh (who was a member of the family of Late Sewak Singh). Late Hanuman Prasad Singh



died issueless, leaving behind his wife, Smt. Ram Adhikari Devi. After demise of her husband, Smt. Ram Adhikari Devi, executed a registered Trust Deed (Nyas Patra), being Deed No. 6809, dated 11.07.1958, in the name of “Hanuman Library, Pratappur.” From perusal of the registered Trust Deed (Nyas Patra), dated 11.07.1958, it would be evident that the total land endowed for the purpose of Hanuman Library measures 2 Bigha, 19 Katha and 17 Dhur.

5. Learned counsel for the petitioner submits that Case No. 49/90-91, under Section 12(2) of the Consolidation Act, was filed before the Consolidation Officer, Kanti, Muzaffarpur, wherein the direction was issued to Amin to submit a detailed report regarding the total extent of land belonging to Hanuman Pustakalaya. Pursuant thereto, the Consolidation Officer, by order, dated 07.01.1991, recorded that Khesra Nos. 2504, 50, 45, 594, 595, 1317 and 1252 are lands belonging to Hanuman Pustakalaya. It is further submitted that a Chak Khatiyani also stands recorded in the name of Hanuman Pustakalaya, Pratapur, which fact is evident from Annexure-P/4 of this writ petition.

6. The main bone of contention in the present case arises from the decision of the Panchayati Raj Department,



Government of Bihar, communicated vide letter, dated 12.05.2021, whereby, it was resolved to construct Panchayat Sarkar Bhavans in the headquarters of 244 Gram Panchayats so as to achieve the objects and purposes of the Gram Panchayats.

7. The said guidelines provide under Clause 7 that, prior to such construction, the concerned Block Development Officer (BDO) and Circle Officer are required to verify the nature and character of the proposed land and thereafter submit their report to the District Magistrate for appropriate action. The Clause 7 (iv) of the guidelines, dated 12.05.2021, stipulates that the Panchayat Sarkar Bhavan, if possible, shall be constructed on government/public land. It further provides that in the event of non-availability of such government/public land, private land may be gifted in favour of His Excellency the Governor of Bihar, subject to the conditions that the land is undisputed, free from waterlogging, that the donor possesses valid title and possession, and that the site is situated at a place accessible to all villagers irrespective of class, without fear or hindrance.

8. Learned counsel for the petitioner further submits that the respondent authorities, without issuing any notice to the petitioner, who is the legal heir of Late Ram



Adhikari Devi (the donor of the land through a registered Trust Deed in favour of Hanuman Pustakalaya, Pratappur), have arbitrarily commenced the construction of the Panchayat Sarkar Bhavan on the land, in question.

9. The petitioner's submission, primarily, is on three ground:-

- i. Firstly, that the land in question forms part of the property of the Trust given through a registered Trust Deed by the petitioner's ancestor, Late Ram Adhikari Devi, in favour of Hanuman Pustakalaya, Pratappur, for the specific charitable purpose of establishing a library, and therefore, the same cannot be deviated other than the purpose mentioned in the Trust Deed. Moreover, the Gram Sabha, in its meeting held on 23.01.2023, passed a resolution specifically opposing the construction of the Panchayat Sarkar Bhavan on the said land having description as Khata no. 449, Khesra no. 1317, area 43 decimal.
- ii. Secondly, the guidelines issued by the Panchayati Raj Department, dated 12.05.2021, have not been followed, inasmuch as the mandatory procedure under Clause 7 has been completely ignored.



iii. Thirdly, that the specific direction issued by respondent no. 5-District Panchayat Raj Officer, Muzaffarpur, dated 15.11.2024, directing respondent nos. 6 and 7 (SDO and BDO) to conduct an inquiry into the objection raised against such construction, has not been complied. Neither any inquiry has been conducted nor has the construction work been halted, thereby rendering the ongoing construction wholly illegal and arbitrary.

10. On the other hand, learned counsel for respondents argued that the land in question pertains to Khata No. 449, Khesra No. 1317, admeasuring 43 decimals, situated at Mauza Pratappur, Thana No. 148, Anchal Marwan, Sub-Division - Muzaffarpur (West), District Muzaffarpur. The proposal for utilizing the said land was duly approved in the Gram Sabha meeting held on 23.01.2023. It is further submitted that the said land was originally donated by Late Ramadhikari Devi, through registered Trust Deed, dated 11.07.1958. She passed away issueless, the present petitioner is only a distant relative who cannot question the use of the land for public purposes. Moreover, the legal heirs of the donor have already given their consent by way of sworn affidavit, dated 31.10.2023.

11. In the Revisional Survey Khatian, the land



has been recorded as “Hanuman Pustakalaya, Pratapur Karjan Kism Bhit” thereby designating the land for public use. The proposal for construction of the Panchayat Sarkar Bhavan was duly verified, processed and approved by the competent authorities in accordance with the guidelines.

12. The construction of the Panchayat Sarkar Bhavan is strictly in conformity with the guidelines issued by the Panchayati Raj Department which clearly prioritizes government and public land for such projects. In the present case, the land in dispute stands classified as public land in the Revisional Survey Khatiyan, thereby validating its utilization for the said construction.

13. It is further submitted that a resolution was duly passed in the Gram Sabha meeting held on 23.01.2023, whereby, construction of the Panchayat Sarkar Bhavan on the said land was duly approved and subsequently a formal communication, dated 31.10.2023, was issued under the signature of the Mukhiya of the concerned Gram Panchayat. The legal heirs of the erstwhile land donors have also provided their express consent, evidenced by sworn affidavit.

14. Countering the submission of petitioner with regard to petitioner's references opposition from the Gram



Sabha and representations submitted to authorities, learned counsel for the state submits that proposal for the use of land for construction of Panchayat Sarkar Bhavan was duly approved in the Gram Sabha meeting held on 23.01.2023.

15. It is further contended that the issuance of No Objection Certificate by the competent authority is legally valid, since the land is categorized as public property and not private land. The construction of the Panchayat Sarkar Bhavan thus squarely serves the larger public interest by providing essential infrastructure for governance and community welfare, which outweighs the individual and untenable claims of the petitioner. The petitioner has no locus standi to pursue this case claiming him to be the owner of the land being a distant relative.

16. It has been further submitted that Panchayat Sarkar Bhavan has already been constructed over the said land, consisting of two floors, including the roof level of the second floor.

17. Lastly it has been submitted that the petitioner's case rests merely on alleged procedural lapses. However, the State and its authorities have scrupulously followed due process, including verification of land records, Gram Sabha approval, consent of heirs, and adherence to the



guidelines issued by the Department.

18. I have heard learned counsel for the parties and have gone through the materials available on record.

19. Upon carefully examining the pleadings, documents, and the registered Trust Deed, dated 11.07.1958, executed by Late Ram Adhikari Devi, wife of Late Hanuman Prasad Singh, this Court finds that the central issue in the present writ petition revolves around the nature and ownership of the land on which the Panchayat Sarkar Bhavan, Karja-D, under the Malwa Block of Muzaffarpur District, is being constructed. Petitioner asserts that he is the distant relative of Late Hanuman Prasad Singh whose property was given in creating the Trust in the name of and style of Hanuman Pustakalaya. The petitioner asserts that the said land being a trust property cannot be used for construction of Panchayat Sarkar Bhawan without grant of compensation to the Hanuman Pustakalaya. The Trust was created by the wife of Late Hanuman Prasad Singh, namely, Late Ram Adhikari Devi, having the property mentioned hereinabove for establishment of Hanuman Pustakalaya, a library intended for the educational and moral advancement of the people of Pratappur and its adjoining villages. The Trust Deed records the appointment of



five trustees, namely, Shri Ganga Singh, Shri Jaybhuvan Singh, Shri Bibhishan Singh, Shri Rajiv Lochan Singh and Shri Vishwanath Prasad Singh for the management and administration of the said library. The language of the deed is explicit in its declaration that the property was to be utilised solely for the public purpose of maintaining the library and associated educational activities.

20. A plain reading of the trust deed, particularly its operative and recitals clauses, clearly reveals that the endowment was not created for the benefit of any private individual or family member but for the benefit of the public at large. The trust further stipulates that if at any point of time the Library does not exist or its name is changed, in that case the Trust will have the authority to utilize the income from the Trust for any other public purpose for the benefits of the general public keeping in mind that its object must not be adverse to the Hindu culture.

21. The Hon'ble Supreme Court in the case of **Devaki Nandan v. Murlidhar** reported in **AIR 1957 SC 133**, drew a clear distinction between a private and a public trust, holding that while in the former the beneficiaries are definite individuals or a determinate body of persons, in the latter the



beneficiaries are the general public or an indeterminate section thereof who are incapable of ascertainment.

22. Applying this principle to the present case, it becomes clear that Hanuman Pustakalaya, Pratappur, is a public charitable trust, since the beneficiaries are the villagers and members of the public who may avail the benefits of the library or otherwise.

23. Once property is validly dedicated to a public charitable purpose/Trust, the ownership of the settlor and her heirs is extinguished and the property vests in the trustees for the benefit of the public and for fulfillment of the charitable purpose. From the record, it appears that the five trustees, originally appointed under the 1958 deed, have since passed away and no successor trustees are presently in office. The petitioner, admittedly, is not a trustee recognized under the deed. His claim rests on being a distant relative/descendant of the donor's family. Such lineage, however, does not confer proprietary or managerial rights in trust property once validly dedicated.

24. From the materials placed on record, it appears that the land upon which the Panchayat Sarkar Bhavan has been constructed pertains only to 43 decimals (Khata No.



449, Khesra No. 1317, Mauza Pratappur), a very small fraction of the total trust land having an area of 2 Bigha, 19 Katha and 17 Dhur.

25. When this fact is examined in the light of the express recitals of the trust deed, it cannot be said that the construction of a Panchayat Sarkar Bhavan, a public office serving the local population, is wholly inconsistent with the charitable and public purpose of the trust. On the contrary the Panchayat Bhavan, being a building meant to house local self-governance institutions and public services, can be regarded as a structure furthering public benefit in harmony with the broad object of the original trustee. Therefore, to this extent, the contention of the respondents finds support from the very spirit of the trust deed, which contemplated the use of the property for public good.

26. Considering these circumstances cumulatively, in the considered view of this Court, that at present there exists no duly appointed or functioning trustee of Hanuman Pustakalaya, Pratappur. The original trustees named in the Trust deed, dated 11.07.1958, have long since passed away and no successor body has been constituted to administer the affairs of the trust. The present petitioner, being merely a distant



relative of the original settlor, has no legal or proprietary right in the trust property and therefore lacks the requisite locus standi to maintain this writ petition for the relief prayed for.

27. Accordingly, this Court finds no ground to interfere with or pass any direction affecting the construction of the substantial portion of Panchayat Sarkar Bhavan already carried out upon the land, in question.

28. However, if in due course the trustees are appointed as per law and the duly constituted body of trustees considers that compensation is warranted on account of the use of the trust land, such claim may be raised by the valid trustee on account of the use of trust land in the appropriate legal proceedings, to be decided on evidence and in accordance with law.

29. With aforesaid observations and directions, this writ application is disposed.

(Anil Kumar Sinha, J)

ashwani/-

AFR/NAFR	AFR
CAV DATE	19.08.2025
Uploading Date	04.11.2025
Transmission Date	N.A.

