

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6798 of 2025

Ramashish Rawat, Son of Shiv Nandan Ravat, Resident of village-Lakhankiyari, P.O.- Dumri, P.S. - Sono, District- Jamui- 811314.

... ... Petitioner/s
Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary/Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
3. The Director, Directorate of Panchayati Raj, Department of Panchayati Raj, Government of Bihar, Patna.
4. The Collector-cum-District Magistrate, Jamui.
5. The Deputy Development Commissioner, Jamui.
6. The Panchayati Raj Officer, Jamui.
7. The Sub-Divisional Officer, Jamui.
8. The Executive Engineer, Department of Building Construction, Building Division, Jamui.
9. The Circle Officer, Sono, Jamui.
10. The Block Development Officer, Sono, Jamui.
11. The Block Panchayati Raj Officer, Sono, Jamui.
12. The Junior Engineer, Sono, Jamui.
13. The Mukhiya, Gram Panchayati Raj, Lakhankiyari, Block- Sono, Jamui.
14. The Panchayat Secretary, Grampanchayat Raj, Lakhankiyari, Block- Sono, Jamui.

... ... Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. P.K. Shahi, learned Advocate General

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-09-2025

None appears for the petitioner.



2. In the instant petition, petitioner has prayed for the following relief(s):-

"(i) For issuance of appropriate writ(s), order(s), direction(s) to the respondent authorities to follow the mandate of directives issued by the respondent no. 2 i.e. The Principal Secretary, Department of Panchayati Raj, captioned in Memo No. 8354 dated 30.08.2024 relates to construction of Panchayat Sarkar Bhawan, whereby directed to all District Magistrates like Respondent No. 4, concern to approve build/construct the said Bhawan in most populated village of the Panchayat whereupon the name of the concern Panchayat is notified by the State Government.

(ii) And for further directing the respondent authorities to approved/ construct the Panchayat Sarkar Bhawan, Lakhankiyari in Revenue Village-Lakhankiyari under Khata No. 96, Khesra No. 1248 admeasuring in area of above than 2 Acres by nature of Gairmazarua instead of earlier selected place which is located in Revenue village Dumri which is native village of sitting mukhiya.

(iii) For also directing the respondent authorities to cancel the earlier selected place which are under revenue village Dumri for construction of Panchayat Sarkar Bhawan, Lakhankiyari in Sono block of the district of Jamui because it does not fulfill the criteria as per the guideline of the State Government relates to construction of the Panchayat Sarkar Bhawan.

(iv) For directing the respondents to act upon the representations made by the petitioner alongwith citizen of the said panchayat/ local representative.

(v) And also for issuance of any other writ(s), order(s), direction(s) to which the



petitioner which may deem just proper and necessary in view of the facts and circumstances discussed hereinunder."

3. It is well settled that such matters fall within the policy/making domain of the Executive, and unless the policy is shown to be arbitrary, discriminatory or unconstitutional, this Court cannot substitute its wisdom for that of the Government.

4. Hon'ble Supreme Court in its several decisions held that Court should not interfere in policy matters except on certain limited grounds, namely:

(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.

5. The aforementioned principles are evident that the decision whether or not to establish a *Panchayat Sarkar Bhawan* in a particular Panchayat is a matter of Governmental policy based on various socio-economic factors. The Court cannot issue a mandamus compelling the State to deviate from its policy framework.

6. In the light of aforementioned discussions, writ petition is dismissed, with liberty to the petitioner to make a detailed representation to the competent authority, who will consider the same in accordance with law and Government policy.

7. Perusal of the representation, the petitioner is seeking *Panchayat Sarkar Bhawan* to be constructed in particular plot or area. Citizens cannot decide *Panchayat Sarkar Bhawan* is required to be constructed in which place or spot. On the other hand, State Government has evolved policy for the purpose of construction of *Panchayat Sarkar Bhawan*. Therefore, the petitioner can seek only for construction of *Panchayat Sarkar Bhawan* in the relevant Panchayat. The concerned authority is hereby directed to consider the



representation of the petitioner which is annexed at Annexure-P/3
to the writ petition.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

