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**(2020) 12 PAT CK 0402**

**Patna High Court**

**Case No:** Civil Writ Jurisdiction Case No. 9305 Of 2020

Sanjay Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision:** Dec. 16, 2020

**Hon'ble Judges:** Sanjay Karol, CJ; S. Kumar, J

**Bench:** Division Bench

**Advocate:** Yugal Kishore, Lalit Kishore

**Final Decision:** Disposed Of

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### **Judgement**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(i) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents not to construct panchayati Raj Building

(known as Panchayat secretariat) on the khata no.- 438, khesra no.- 706, area 4 acre 36 decimal, which is situated at the border of the village and the

said khata land is last northern side border of the village situated at the border of East Champaran and the said khata lands stands as road in the map.

(ii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to stop ground digging and layout work

for construction of new Panchayat Secretariat building on && khata no.- 438, khesra no. 706, area 4 acre 36 decimal of the Gram Panchayat Raj

Mahamadpur Mahamda, P.S.- Baruraj, Block Motipur, District- Muzaffarpur and also direct the respondents to construct new Panchayat Raj

Secretariat building at the same place here old panchayat Raj building is existing i.e. at Village Mahamadpur Mahamda, which is in the centre of the

village and near old panchayat building there is sufficient government land exist which is still vacant.

(iii) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to consider the facts that as per

panchayat Raj Act the building should be constructed in the centre of revenue village of the Panchayat and revenue village of panchayat is

Mahamadpur Mahamda and construction of the new building is also going to done in same village, but the place opted by the present mukhiya and

panchayat secretary is not in the centre of the village rather, it is on the last northern side of the village and the same is situated just near the district

East Champaran and the location wise it is not easy for the people of Panchayat Raj to move at the last area of the village as there is five village in

Panchayat Raj Mahamadpur Mahamda i.e. Sasna, Dharampur, Ishak, Mahamadpur Raje and Mahamadpur Mahamda.

(iv) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondents to make physical verification of the

land in question prior to start construction of new building of Panchayat Raj known as Panchayat Raj secretariat and after making verification and

resolving the public petition and public grievance construction of the new building should be done, so that paramount welfare of the villager of the

panchayat raj could not be ignored.

After the matter was heard for sometime, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the

respondent no. 2 Principal Secretary, Panchayati Raj Department, Govt. of Bihar,

Patna, to consider and decide the representation with respect to grievances raised in such representation.

Learned counsel for the respondent states that if such representation is filed before the respondent no. 2 Principal Secretary, Panchayati Raj

Department, Govt. of Bihar,

Patna, same shall be considered and decided within a period of two months from the date of receipt of such representation in accordance with law.

Equally liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

Liberty reserved to petitioner to approach the court, if the need so arises subsequently on the same and subsequent cause of action.

The writ petition is accordingly, disposed of.