

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15659 of 2015

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Dashrath Yadav son of Late Parmeshwar Yadav, resident of village- Simara Tola, Thegewa, P.O. - Barahi bazar, P.S. - Aurangabad, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Aurangabad.
3. The Jila Parishad, Aurangabad through its D.D.C. cum C.F.O. zila Parishad Aurangabad.
4. The Chairman, Zila Parishad, Aurangabad.
5. The Project Officer Primary Education and Sarve Siksha Abhiyan Bihar Siksha Pariyojna, Aurangabad.
6. The Deputy Development, Commissioner, Aurangabad.
7. The Circle Officer, Aurangabad Division, Aurangabad.
8. Manikchand Yadav, Son of Late Sahdeo Yadav, resident of village - Simara Tola, the Gawa, P.O. - Barahi Bazar, P.S. - Aurangabad, District - Bihar.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anil Kr Singh No. 6
For the Respondent/s : Mr. A.P. Singh, SC-15
For the Zila Parishad : Mr. Nikesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-10-2015 Heard the parties.

The grievance of the petitioner is that the primary school building is being constructed over the plot other than the plot gifted by the petitioner. The petitioner had earlier approached this Court in CWJC No. 389 of 2010 and which was disposed of vide order passed on 24.2.2011. This Court while holding that the location of Primary School can only be decided by the Zila Parishad and not by the Deputy Development Commissioner,

further proceeded to observe that if the Zila Parishad resolved for the land other than that of the petitioner then the land has to rebut to the petitioner unless the fresh agreement is arrived in a different manner. The petitioner is aggrieved by the decision of the Zila Parishad impugned at Annexure-7 whereunder the Zila Parishad has decided to construct the Primary School on a plot bearing Khata No. 237, Plot No. 293 admeasuring 26 decimals which is not the land of the petitioner.

In the circumstances so discussed in the order of this Court present at Annexure-6, in my opinion the petitioner can have no grievance on the decision so taken by the Zila Parishad for his remedy would lie in terms of the order passed in the earlier round of litigation.

This application is disposed of accordingly.

(Jyoti Saran, J)

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