

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.60 of 2015

- =====
1. Sudhakar Tiwary Son of late Ram Naresh Tiwary
 2. Nagina Tiwary Son of late Naresh Tiwary
 3. Rajesh Tiwary Son of late Hit Narayan tiwary All residents of Village- Bishunpura, P.O. and P.s Ramgarh , District kaimur at Bhabh3ua.
 4. Om Prakash Tiwary son of Kailash tiwary
 5. Arun Lal Son of late Sheo Murat Lal Both residents of Village- Abhaide,P.S Ramgarh, District Kaimur at Bhabhua.

.... **Petitioners.**

(Plaintiffs –Respondents in the court below).

Versus

1. The State of Bihar through District Collector, Kaimur at Bhabhau.
2. The Circle Officer, ram ,At P.O. and P.S Ramgarh, district- Kaimur at Bhabhau.
3. The Mukhiya, Gram Panchayat,Bandepur, P.O. and P.S Ramgarh, District- Kaimur at Bhabhau.
4. The District Programme Officer Bihar Education Project Kaimur at Bhabhau.

–Opposite Parties 1st set.

-(Defendants –Respondents 1st set in courts below).

5. Bijendra Singh, Son of Late Sant Bilash Singh.
6. Bharat Lal son of Late Haridwar lal
7. Devendra Lal son of late Sheo Murat Lal All residents of village- Abhaide, P.S.. Ramgarh, District Kaimur at Bhabhau.

–Opposite Parties 2nd set.

(Plaintiffs-Respondents 2nd set in the courts below)

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Appearance :

For the Petitioner/s : Mr. Ras Bihari Thakur

For the Respondent/s : Mr. Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 02-09-2015

Heard Mr. Ras Bihari Thakur, the learned counsel

appearing on behalf of the petitioners. Mr. Kundan Bahadur

Singh, the learned counsel for the State is also present.

Calling in question the appellate order in injunction matter dismissing the appeal and affirming the dismissal of the prayer for injunction by the trial court, the present revision

application has been filed by the petitioners.

It has been submitted by the learned counsel for the petitioners, at the outset that earlier the petitioners have approached this Hon'ble Court in public interest litigation but the same was not entertained and thereafter present suit has been filed for grant of permanent injunction against the defendant-State of Bihar and its officers from constructing the primary school over the suit plot. It has been argued by Mr. Thakur, the learned counsel for the petitioners that the suit land is a Rasta and the construction of school building over the same would obstruct the same and it has been further pointed out that earlier the proposal was for construction of school on a different piece of land but the same has been changed in connivance of the local Mukhiya. The learned counsel has lastly submitted that in the interest of justice the interference of this Court is required.

After perusal of the impugned orders and considering the submissions, it is manifest that both the courts below have considered the pleadings and materials brought on the record and thereafter have found that there is no prima facie case, balance of convenience and irreparable loss in favour of the petitioners. It is now well settled that after the amendment in Civil Procedure Code, the jurisdiction under Section 115 C.P.C.,

in such matters, has been excluded.

As such, this revision application is dismissed.

(V. Nath, J)

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