

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9432 of 2015

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1. Mithilesh Prasad Singh, son of Sri Janardhan Prasad Singh, resident of village
& Post- Shambhupatti, Police Station- Samastipur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the D.M Samastipur, Sri Ram Chandralu.
2. The S.D.O Samastipur, Sri Sudhir Kumar.
3. The Circle Officer Samastipur, Md. Safi Akhtar.
4. The Head Mistress, Smt. Radha Kumari of Rajkiya Jagdish Madhya Vidyalaya
Sambhupatti Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh, Advocate

For the Respondent/s : Mr. Devendra Kr Sinha, AAG-2

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

Date: 15-12-2015

With the help of this application, made under Article 226 of the
Constitution of India, in the nature of Public Interest Litigation, the petitioner has
sought for issuance of appropriate writ commanding the respondents to stop
holding of weekly market (*Bazar*) in the premises of Rajkiya Jagdish Madhya
Vidhyalaya Sambhupatti, Samastipur.

In substance, the admitted facts are that in the compound of the
school, where small children receive education, a weekly market is being held by
the contractors on the basis of allotments, which have been made by respondent
No.5, Mukhiya, Sambhupati Panchayat, and the waste products are left spread
around the compound of the school, which is fatal to the health of the children.

The anxiety, expressed by the petitioner, cannot be ignored. It has,

however, been brought to our notice that necessary direction has already been issued by the Circle Officer, Samastipur, to the contractor, namely, Shri Ajit Kumar Singh S/o. Sri Bishambhar Prasad Singh, vide Letter No.06/Mukhiya, dated 17.08.2015, to stop holding of the weekly market within the compound of the school.

It is also admitted position that presently, the market is not being held within the compound of the school.

Situated thus, it becomes clear that writ petition has become infructuous.

We, therefore, close this Public Interest Litigation but give liberty to the petitioner to approach this Court with appropriate application, in future, if such a situation reoccurs or arises.

(I. A. Ansari, ACJ.)

(Chakradhari Sharan Singh, J.)

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