

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1325 of 2014

IN

Civil Writ Jurisdiction Case No. 9667 of 2013

- =====
1. Chandra Kishore Singh son of Late Kali Charan Singh, Resident of village- Arna, P.S.- Uchkagaon, District- Gopalganj
 2. Kameshwar Prasad, son of Sheo Pujan Prasad, Resident of village- Kajipur, Police Station- Uchkagaon, District- Gopalganj

.... Appellant/s

Versus

1. The State of Bihar, through the Director, Madhyamik Vidyalaya, Education Department, Bihar, Patna.
2. The District Magistrate, Gopalganj
3. The Deputy Collector, Land Reforms, Gopalganj
4. The Sub-Divisional Officer, Hathwa, District- Gopalganj
5. The Circle Officer, Anchal Uchkagaon, District- Gopalganj
6. The District Education Office, Gopalganj
7. The District Programme Officer, Madhyamik Education, Gopalganj
8. Anand Lal Singh Son of Late Thakur Singh
9. Kashi Nath Singh, son of Late Ramdhari Singh.
10. Babu Ram Singh, Son of Late Budhan Singh,
11. Ramadhar Singh, Son of Late Sheonath Singh. All residents of Village- Arna, P.S.- Uchkagaon, District- Gopalganj

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhananjay Kumar
For intervener : Rakesh Kumar Shrivastava
For the Respondent/s : Mr. Ansuman Singh with
Shri Ram Krishna, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 16-04-2015



The appellants are residents of village Arna of Gopalganj District and in the same Panchayat there is another village named Kaparpura . A primary school is functioning in that village. Recently it has been upgraded to upper primary school. One of the residents of Arna village offered land for construction of school building. The District Magistrate accorded permission for construction of upgraded school in an extent of 5 kathas and 8 dhoors of land in Khata No. 198 Khesra No. 2394 of the same village. The contention of the appellants is that the place is not fit for construction from the point of view of location etc.

Feeling aggrieved by the order dated 15.04.2013, passed by the District Magistrate, the appellants filed C.W.J.C.No.9667 of 2013. The learned single Judge dismissed the same by taking the view that this court does not interfere into policy matters, regarding choosing of locations.

Heard Shri Dhananjay Kumar, leaned counsel for the

appellant and Shri Anshuman Singh ,learned counsel for the respondents.

The appellants do not have interest of their own, in the matter. Their effort is to ensure that the school is constructed in a better locality and easily accessible place. If, in fact, any alternative land owned by the Government, which is larger in area and better in location, is available, there is no reason why the same is not being allotted. This, however, is a matter to be examined by the District Magistrate.

Therefore, we dispose of this appeal, leaving it open to the appellants to make a representation before the District Magistrate, who, in turn, shall pass appropriate orders within a period of two months from the date of its presentation.

The appeal, thus, stands disposed of. The interlocutory application, if any, shall also stand disposed of.

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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