

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16033 of 2013

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Rup Narayan Jha, Son Of Late Nand Kishore Jha, Resident Of Village and
P.O.- Rahimpur in the District of Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Bhagalpur
3. Additional Collector, Bhagalpur
4. Land Acquisition Officer, Bhagalpur
5. Sub-Divisional Officer, Naugachia
6. D.C.L.R. Naugachia
7. Circle Officer, Khari Block in the District Of Bhagalpur
8. Head Master, Shankerpur, Nomkar Primary School, P.O.- Nankar in the District Of Bhagalpur.
9. Principal Secretary, Education Department, Govt. of Bihar, Patna.
10. Director, Education Department, Govt. of Bihar, Patna.
11. District Education Officer, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Jha, Adv.
Mr. Narendra Pandey, Adv.

For the Respondent/s : Mr. Krishna Chandra, AC to AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 09-12-2015

Heard the parties.

In view of the nature of the grievances/claims raised on behalf of the petitioner in the present writ petition and in view of the fact that certain disputed questions of facts with respect to the claims of the writ petitioner are required to be examined and resolved after giving an opportunity of hearing to all concerned, this Court is of the opinion that, instead of keeping the matter pending here for deciding the disputed questions of facts, interest of justice shall be sub-served, if the petitioner is granted liberty to file a comprehensive representation before the respondent District Magistrate, Bhagalpur with all supporting documents with respect to his claims raised in the present writ petition. It is ordered

accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of one month from today with a certified copy of the present order, then the respondent District Magistrate-cum-Collector, Bhagalpur either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order, after giving an opportunity of hearing to all concerned including one Mira Devi, who is said to have gifted the lands in question in favour of the school in question.

The petitioner shall be at liberty to raise all the issues of facts and law before the competent authority with respect to the lands claimed by him.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided either by the respondent District Magistrate, Bhagalpur himself or by any other competent authority of the respondent State, at the first instance, strictly in accordance with law. All endeavours shall be made to decide the aforesaid claims of the petitioner at an early date preferably within a period of four months from the date of filing of such representation by the petitioner.

The writ petition stands finally disposed of with the observations and directions made above.

Arvind/-

(Birendra Prasad Verma, J)

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