

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18053 of 2016

Chandradeo Paswan, S/o Late Mathura Paswan, resident of Village + Post-Parasawan, P.S.-Ramgarh Chowk, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Lakhisarai, District- Lakhisarai.
5. The Circle Officer, Block- Ramgarh, District- Lakhisarai.
6. The Headmaster, Shree Ram Sanahi +2 High School, Parasawan, Lakhisarai.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate
For the Respondent/s : Mr. Sunil Kumar, AC to GA-12

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
&
HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 25-11-2016

The petitioner has filed the present writ petition for grant of writ of mandamus directing the respondent- authorities to restrain from demolishing the part of the Government School, namely, Shree Ram Sanahi +2 High School, Parasawan, District- Lakhisarai.

2. Perusal of the writ application shows that a CWJC No.5682 of 2012 was filed alleging encroachment over the Government land. This Court on 6th March, 2014, directed the Circle Officer to ensure that the Land Encroachment Proceedings are



brought to its logical conclusion in accordance with law after granting reasonable opportunity to all concerned parties. It is, thereafter, an order has been passed by the Circle Officer on 30th September, 2015, seeking directions from the higher officials of the Education Department in respect of the school, in question, after returning a finding that the school was established in the year 1977-78 and that the State Government acquired the same in the year 1980, but the same is located on the encroached land.

3. It is also admitted by the learned counsel for the appellant that a Contempt Petition is pending before the learned single Bench arising out of an order passed by the learned Single Judge of this Court as mentioned above.

4. We do not find any ground to interfere in the present writ petition against the threatened demolition of the part of the school in the present writ application. The Circle Officer has recorded a finding that the school was established in the year 1977-78 but the same is located on the encroached land.

5. If any person is aggrieved by the order passed by the Circle Officer, the aggrieved person including the school can take recourse of the remedy in accordance with law but this public interest litigation filed by a third party after the encroachment case was concluded, in terms of the direction of the Court, does not warrant

any indulgence of this Court.

6. It is, thus, dismissed.



(Hemant Gupta, ACJ)

(Vikash Jain, J)

JA/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.11.2016
Transmission Date	