

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1189 of 2014

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Dip Narayan Yadav, Son Of Late Bhagwat Yadav, Resident Of Village-
Nandlali, P.S.- Bihra, District- Saharsa

.... Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna
2. The Principal Secretary, Department Of Revenue, Government of Bihar, Patna
3. The Principal Secretary, Department Of Education, Government of Bihar, Patna
4. The Commissioner, Koshi Division, Saharsa
5. The District Magistrate, Saharsa
6. The District Revenue Officer, Saharsa
7. The District Programme Officer, Establishment cum District Superintendent Of Education, Saharsa
8. The Block Development Officer, Sattar Kataiya, District- Saharsa
9. The Circle Officer, Sattar Kataiya, District- Saharsa
10. The Headmaster, Nav Srijit Prathmik Vidyalaya, Nandlali P.S. Bihra, District- Saharsa

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Amarnath Jha, Advocate
For the Respondents : Mr. Madhukar Krishna Sinha

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 22-08-2016 Heard the counsel for the petitioner and SC-12 for the State.

The grievance is that the land of the petitioner has been treated by the respondent-State as the 'Gairmajarua Khas Land' and granted permission to transfer the land to newly created primary school. Except an order passed by the consolidation authority in 1988, nothing has been placed on record enabling the court to consider the said claim of the petitioner.

On the basis of the pleadings made in the writ application, it is difficult for this Court to grant any relief. However, from the counter affidavit, it appears that an inquiry to ascertain the status of the land has been ordered by the District Magistrate, which is said to be pending.

In my view, the ends of justice shall be subserved if the petitioner is permitted to pursue his case before the respondent District Magistrate, who has already ignited an inquiry.

Needless to observe if it is found that the subject land is not the government land, the concerned respondent will pass appropriate order exonerating the land of the petitioner from being made over to the school in question.

The writ application is disposed of.

(Kishore Kumar Mandal, J.)

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