

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 4576 of 2015

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Ashok Kumar Tiwary Son of Late Harivansh Tiwary, resident of Village- Rampura,
P.S. - Singhwara, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The Subdivisional Magistrate, Darbhanga.
5. The Land Reforms Deputy Collector, Darbhanga.
6. The Circle Officer, Singhwara, Darbhanga.
7. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga,
8. The Registrar, Lalit Narayan Mithila University, Darbhanga.
9. Umesh Tiwary @ Lutti, Son of Late Mauje Tiwary, resident of Village- Rampura, P.S. - Singhwara, District- Darbhanga.
10. Dr Lohiya Karpoori Bisheshwar Das College, Tajpur, Samastipur through its Principal

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Prashant Sinha & Kr Girindra Gauraw, Advocates

For the S t a t e : Mr P N Shahi, AAG VI with
Mr Mritunjay Kr, AC to AAG VI

For L N M University: M/s Ajay Behari Sinha & Chandra Mohan Singh, Advs

For Dr LKVD College: Mr Nadeem Seraj, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 18-10-2016

A counter affidavit has been filed today duly sworn by
the Under Secretary, Department of Education, Government of Bihar.

2 This Public Interest Litigation (for brevity, *PIL*)



relates to a substantial piece of land admeasuring about 6 bighas, 7 kathas and 12 dhurs which were donated for the purposes of the College that is Dr Lohia Karpoori Bisheshwar Das College (for brevity, *the College*), Tajpur, District – Samastipur. The said land was about 75 kilometers away from the College and is apparently a low lying land. This PIL brought to the notice of this Court that the land was not being utilized for any purpose of the College. It was merely being leased for agricultural purpose, at a paltry amount. Court tried to impress upon the State, the University and the College for appropriate use of the land but various possibilities were taken up and none was found feasible for the moment. Ultimately, State, along with others including the College and the University, has taken a decision on 23.09.2016 (Annexure D to this counter affidavit) that as no further proper means of exploiting the land is viable for the present, the land may be settled for agricultural purposes for a period of three years at a time and the income thereof be used by the College concerned.

3 All we can say is that the settlement has to be done with full public knowledge in a transparent manner meaning thereby there has to be wide local publicity, so that it is not settled for paltry amounts because the land is not a small piece of land but quite a large chunk of land.

4 We would, accordingly, direct the District Magistrate, Darbhanga and the University including the College concerned to ensure proper publicity for agricultural settlement of the said land, the entire income thereof would be used for the benefit of the College concerned. The settlement should be on non-renewal three years term through public notice and public auction so that the best price can be fetched.

5 Let a copy of this order be sent to the Principal Secretary, Department of Education, Government of Bihar, the Vice Chancellor and the Registrar of the University, Principal of the College and the Collector –cum- District Magistrate, Darbhanga for necessary action in this regard.

6 This PIL, thus, stands disposed of.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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