

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16287 of 2013

1. Ramayan Ram S/O Sri Ram Naresh Ram Resident Of Village- Nayagaon, Police Station- Bhore, District- Gopalganj.
2. Kali Prasad Shahi S/O Late Bindhyachal Shahi Resident Of Village- Nayagaon, Police Station- Bhore, District- Gopalganj.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar At Patna, District- Patna.
2. The Director, Primary Education, Government Of Bihar At Patna, District- Patna.
3. The Deputy Development Commissioner- Cum- Chief Executive Officer, Zila Parishad, Gopalganj, District- Gopalganj.
4. The Collector, Gopalganj, District- Gopalganj.
5. The District Education Officer, Gopalganj, District- Gopalganj.
6. The District Programme Officer, Gopalganj, District- Gopalganj.
7. The D.P.O, Bihar Education Project, Gopalganj, District- Gopalganj.
8. The Executive Engineer, Bihar Education Project Gopalganj, District- Gopalganj.
9. The Block Development Officer, Bhore, District- Gopalganj.
10. The Circle Officer, Bhore, District- Gopalganj.
11. The Block Education Extension Officer, Bhore, District- Gopalganj.
12. The Headmaster New Primary School, Nayagaon, Police Station- Bhore, District- Gopalganj.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. SHAILENDRA KUMAR DWIVEDI
For the Zila Parishad
Respondent no.3 Mr. Satya Prakash Tripathi
Mr. Satya Varat
For the State Mr. Rajesh Kr. Singh
For the BEEO Mr. Girijesh Kumar

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 01-04-2016

Heard the counsel for the petitioners, the State and the respondent-
Zila Parishad.

Petitioners raise a grievance with respect to construction of the school building called New Prathmic Vidhalay, Nayagaon. Precisely, on going through the averments, this Court finds that the school is running on private land . The respondent State took steps for construction of the school building on a land which is a Gair Mazrua Aam land. It is stated that the petitioners are ready and willing to donate their land for construction of the school building. The

respondents be directed to accept the donation of land and construct the school building on the said land. It is also submitted that the Zila Parishad has not been consulted by the respondents before taking decision to construct the school building on the land which is recorded as a Gair Mazrua Aam land in the revenue records but in possession of **Jogivir** who is considered as God.

The counsel for the respondents, on the other hand, submits that where the school building shall be built is a purely an executive act or decision. The Court may not interfere with such decision unless any vested legal right of the petitioner is infringed/impinged. Reliance in this regard made by the petitioner on section 73(17)(1) of the Bihar Panchayat Raj Act, 2006 appears misplaced as the same only provides the functions and powers of the Zila Parishad. The Zila Parishad is not before this Court raising any grievance that its consent/approval was not taken by the respondent.

This Court on umpteen occasions has observed that a purely administrative decision cannot be interfered with by this Court unless a clear violation of legal vested right is shown by the person approaching the Court. This is not such case.

The application is dismissed.

(Kishore Kumar Mandal, J)

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