

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5635 of 2015

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In The Matter Of News Report Published In the Dainik Jagran, Patna Dated 9th April 2015

.... Petitioner/s

Versus

The State of Bihar & Ors.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anjani Kumar, AAG-4.
Mr. Brajesh Kumar, AC to AAG-4.
For the Respondent/s : Mr. R. K. Sinha, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 19-12-2016

The Court has issued notice to the State Government on 13th of April, 2015 on the basis of news report published in the Hindi Daily “Dainik Jagran”. The news report was that the land which is part of the Dumrama High School in Banka District is being distributed to Mahadalits.

2. The Court directed the District Magistrate, Banka to submit a report as to whether any land, which is part of Dumrama High School, was distributed to the outsiders or Mahadalits. Subsequently on 30th of June, 2015, the Court directed the District Judge, Banka to conduct an enquiry into the following aspects:

- (a) Whether the classification of the land that was donated on 05.12.1944 has been changed and any part of the land was treated as a Government land;
- (b) Whether the entire land donated in the year 1944



is still with the school, be it the High School or the Middle School;

- (c) The Total extent of land which is in possession of both the schools, including their play grounds; and
- (d) Whether the land that was distributed as house sites forms part of any land which actually belongs to the school.

3. In pursuance to such direction, the enquiry report was submitted by the District Judge, Banka on 14th of August, 2015. The relevant findings of the report in respect of the High School and the Middle School at Dumrama, Banka, are that the Mahadalits are in possession of the land which does not appear to be part of two schools. It has also been held in respect of 4th aspect that “the land which was distributed as house sites does not form part of any land which actually belongs to school. It is inter-alia observed as under:

“As far as the 2nd point of consideration is concerned that whether the entire land donated in the year 1944 is still with the school, be it the High School or the Middle School, it appears that there is a change in the area of the donated land when the land donated to both the schools are taken into account separately but at the same time when the land donated to both the schools are accounted together, it also appears from the documents adduced before me that both the schools together have an area of 1.44 acres (1.28 acres for the Middle School and 16 decimals for High School) out of the said 2.20 acres of land in CS khata number 26 and plot number 6 of Mauja Ghoshpur Thana number 324, which appears to be more than the gifted land in favour of both the schools. Out of the said khata number 26, Khesra number 6, the area of 62 decimals has been recorded in the name of State of Bihar. Out of this 62



Xxx xxxx

4. Prima facie reading of the enquiry report shows that as families have been settled on 60 decimals of land, but said to be more than the gifted land in favour of both the

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

AFR/NAFR	N.A.F.R.
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