

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9656 of 2016

=====

Rina Paswan, wife of Ganesh Paswan, resident of Village- Kukiyasim, P.S.-
Buniyadganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The Superintendent of Police, Gaya.
6. The S.D.O., Sadar Gaya
7. The S.H.O., Buniyadganj Police Station, District- Gaya.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Dinu Kumar, Advocate Mr. Arvind Kumar Sharma,, Advocate Ms. Kumari Neha, Advocate Mr. Vijay Kr. Vimal, Advocate Mr. B. K. Sharma, Advocate
For the Respondent/s	:	Mr. Pushkar Narain Shahi- AAG 10

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-10-2017

From the counter affidavit submitted by respondent Nos.5 and 6 and the joint report of the police authorities and the Circle Officer, Manpur, Annexure-A dated 15.06.2017, it is seen that there was encroachment in the premises of the school building in question and the same has been removed. The report, Annexure-A indicates three factors: that a primary school was functioning in the area since 1990 and now it is in a dilapidated condition and presently the school is not functional. The report also indicates that certain encroachments were made in the area and they have been removed. We are satisfied with the report and



the action taken. We direct that the encroachment which has been removed should not reoccur in the area and the District Magistrate and the Superintendent of Police shall ensure that the area is kept free from encroachment. In case, the petitioner or any citizen points out any encroachment to the District Magistrate, the District Magistrate shall ensure that the same is removed in accordance with law.

As far as making the school functional is concerned, as the report indicates that the school is not functional as on date and the building of the school is not in a condition to make it functional, we leave it to the competent authority to take note of the facts and if permissible under law and feasible administratively as per the policy of the State, a decision may be taken for making the school functional in accordance with law.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2017
Transmission Date	

