

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12759 of 2012

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Md. Salam, S/O Md. Muslim, R/o Village- Haripur, P.O.- Mauji, P.S.- Hasanpur,
Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner-Cum-Secretary, Human Resources Department, Govt. Of Bihar, Patna.
2. The Collector, Samastipur, Distt- Samastipur.
3. The District Superintendent of Education Officer, Samastipur-Cum-District Programme Saman Nayak Bihar Shiksha Pariyojna, Samastipur.
4. The Block Education Extension Officer, Hasanpur, Distt- Samastipur.
5. Anchal Adhikari, Hasanpur, Distt.- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.
Mr. Krishna Pd. Singh, Adv.

For the Respondent/s : Mr. Rajiv Roy, GP-1
Mr. Suresh Kumar, AC to GP-1

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 29-03-2017

Heard the parties.

2. The petitioner has sought for a direction in the present application, under Article 226 of the Constitution of India, commanding the respondents to accept a piece of land described as Khata No. 71, Plot No. 1(old) and Khata No. 127, Plot No. 7, admeasuring 2 Kathas for Primary Kanya Maktab, in Village-



Haripur, Ward No. 10, under Panchayat Raj Suraha Basantpur, P.S.-
Hasanpur, in the District of Samastipur.

3. It is the stand on behalf of the State-respondents that Navsrijeet Prathmik Vidyalaya, Haripur has been established in the said village and no such school is required to be established over the land as suggested by the petitioner.

4. It is the case of the petitioner that the said land has been donated by way of gift to the State of Bihar for the purpose of establishing Primary Kanya Urdu Maktab.

5. On the other hand, it is the stand of State of Bihar that the said land is a *Gair Majaruwa* land and presently not required for the purpose of construction of a primary school.

6. So far as dispute as regards petitioner's title over the land in question, the same cannot be gone into in the present proceeding. Since it is the decision of the State that the land in question is not to be used for the purpose of establishing primary school, no relief, as sought for by the petitioner, can be allowed.

7. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01/04/17
Transmission Date	

