

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15381 of 2016

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Nitish Kumar, Son of Sitaram Yadav, Age 33 years, Village + P.O. – Sargawan, P.S. Deo, Distt. Aurangabad (Bihar), Present address – Nitish Kumar, C/o Vijay Gope, Mu. Teni Nagar, Pipardih Road, Ward No. 33, Aurangabad, Bihar, PIN No. 824 101.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna,
2. Principal Secretary, Human Resources Development Department, Bihar, Patna,
3. Principal Secretary, Planning and Development Department, Patna,
4. District Magistrate, Aurangabad, Bihar,
5. District Education Officer, Aurangabad,
6. District Planning Officer, Aurangabad,
7. Sub-divisional Officer, Aurangabad,
8. Block Development Officer, Aurangabad,
9. Circle Officer, Aurangabad,
10. Anand Shankar, S/o Yamuna Singh, Village – Raipura, P.S. Aurangabad (Mu.), Distt. Aurangabad (Local MLA)

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sunil Kumar Singh No. 10, Advocate.
For the Respondent/s : Mr. Sunil Kumar, AC to GA 12.

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-03-2017

Inter alia, contending that the school ground of Town Inter School, Aurangabad has been acquired and transferred for construction of Zila Nibandhan-cum-Pramarsh Kendra and further contending that a school ground cannot be utilized for this purpose, this Writ Petition has been filed in Public Interest.

2. From the Counter Affidavit filed by the respondents, it is seen that 1.72 acres of land has been acquired for construction and



the remaining area is left to be used as the school playground.

3. We find that the Writ Petition was filed when the entire decision was taken for transfer of the land after obtaining no objection from the School Managing Committee and other authorities and, in fact, the construction of the Kendra in question has already commenced and huge public fund has already been invested for the said purpose.

4. That being so, at this stage, Public Interest will not be subserved in case the construction is directed to be dismantled and the ground is restored to its original position. In the interest of justice it would be appropriate that the authorities are directed to maintain the remaining area to be used as a playground. In case the school management requires some alternative area to be provided for the playground, the same should be considered by the State authorities. Apart from so observing, we find no reason for indulgence into the matter.

5. With the aforesaid, the Writ Petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

