

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.705 of 2015
IN
Civil Writ Jurisdiction Case No. 25524 of 2013**

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Pravesh Thakur, S/O Hardeo Thakur, Resident of Village - Plkhi Gajpati, P.S -
Sakra, District - Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar
2. District Magistrate, Muzaffarpur.
3. District Education Officer, Muzaffarpur
4. Block Education Officer, Morau I Block, District - Muzaffarpur.
5. Block Development Officer, Moraul Block, District - Muzaffarpur.
6. Mukhiya Gram Panchayat Raj, Pilkhi, P.O - Pilkhi, Block - Moraul, District -
Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 26-07-2017

The dismissal of the writ application vide order dated 05.11.2014 by the learned Single Judge refusing to pass any order or interfere with the construction of Primary School over so-called plot no.478 in village Pilkhi Gajpati in Moraul Anchal in the District of Muzaffarpur is reason for the appellant to file present appeal. His grievance was that the school was being constructed before the lands which belongs to him and is also being built on a Nala which is creating obstruction in free flow of water of the area.



The Court directed the District Magistrate to file a categorical affidavit. In the affidavit, it has emerged that the school in question has been built on a Gairmajarua land belonging to the State and in no manner it encroaches any land or a Nala which was the allegation in the writ application.

Obviously, the construction of the primary school may be causing some discomfort for full enjoyment of the property of the present appellant and that could have been the motive behind filing of the writ application.

The facts being what they are, the learned Single Judge has rightly dismissed the writ application. No case for interference is made out in the appeal. The petitioner can still make out a point, if he wants by taking recourse to common law remedy.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
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