

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20341 of 2018

Upendra Sharma, Son of Late Ramashish Singh, Resident of Village- Telhara Kala, P.S.- Kundwa Chainpur, District- East Champaran, At present Chairman of Ramashish Singh and Vishwanath Sharma, Education Trust, New Agarwa, Motihari, East Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Motihari, East Champaran.
2. Director General of Police, Patna, Bihar.
3. Inspector General, Muzaffarpur.
4. Deputy Inspector General, Bettiah, West Champaran.
5. Superintendent of Police, Motihari, East Champaran.
6. Deputy Superintendent of Police, Sikrahna, Dhaka, East Champaran.
7. Sub Divisional Officer, Sikrahana (Dhaka) East Champaran, Bihar.
8. Officer In-charge, Kundwa Chainpur, East Champaran.
9. District Programme Officer, Prarambhik Shiksha, Surb Shiksha Abhiyan, Motihari, East Champaran.
10. Block Education Officer, Dhaka, East Champaran.
11. Sri Jitendra Kumar Sharma, Son of Late Bishwanath Sharma, Resident of Village- Hirapur, P.O.- Gurhanwa, P.S.- Kundwa Chainpur District- East Champaran at present resident of Mohalla- Akharaghat Road, P.S.- Town District- Muzaffarpur.
12. Sri Pankaj Sharma, Son of Late Bishwanath Sharma, Resident of Village- Hirapur, P.O.- Gurhanwa, P.S.- Kundwa Chainpur District- East Champaran at present resident of Mohalla- Akharaghat Road, P.S.- Town District- Muzaffarpur. Both respondents No. 11 and 12 are trustee to Luv Kush International Public School, Gandhi Nagar, Telhara Khurd, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar No.III Mr. Bijendra Kumar
For the State	:	Md. Nadim Seraj, GP-5 Mr. Shailesh Kumar, AC to GP-5

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 29-10-2018

Heard learned counsel for the parties.

This writ application has been filed seeking quashing of the Letter No. 535 dated 30.05.2018, issued by the District Programme Officer, Primary Education and *Sarva Shiksha*



Abhiyan, Motihari, East Champaran, whereby and whereunder the provisional affiliation has been granted to the school run by respondent nos. 11 and 12.

The main grievance of the petitioner is that the affiliation of the school, which has been granted by the District Programme Officer, has been shown to be located in the building, which belongs to the petitioner. It is also the case of the petitioner that he has not only title but also possession over the building against which the private respondent nos. 11 and 12 have fraudulently obtained the affiliation.

It appears from the writ application itself that there is a suit pending between the respondent nos. 11 and 12 and the present petitioner in the court of learned Sub Judge, Sikrahna at Dhaka under the judgeship of East Champaran, which relates to the dispute over the title between the parties.

It is the case of the petitioner that an injunction has been granted in favour of the petitioner in respect of the disputed building and he has been held to be in possession by the court of learned Sub Judge, Sikrahna at Dhaka. His further contention is that the authorities, without going into the correctness of the document supplied by respondent nos. 11 and 12, have granted affiliation in their favour.



Whether the building belongs to the petitioner or respondent nos. 11 and 12 is certainly a question, which can be decided by a competent court of civil jurisdiction. This Court in a proceeding under Article 226 of the Constitution of India, cannot go into such question.

Learned counsel for the petitioner has submitted that though the representation filed by him, questioning the title and possession of respondent nos. 11 and 12 before the court below has been raised before the District Programme Officer, Motihari, no action has been taken. I do not intend to comment upon that except that it will be open to the petitioner to pursue his remedy before the District Programme Officer and the District Programme Officer shall be at liberty to take appropriate decision, in accordance with law.

This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

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