

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13935 of 2015

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Ramchandra Prasad Yadav S/o Late Jhaman Prasad Yadav resident of village -
Surajpur, P.O. - Khanpur, P.S. - Atri, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, Patna.
2. The Principal Secretary, Education Department, Govt. of Bihar, Vikash Bhawan, Patna.
3. The Secretary, Primary Education, Govt. of Bihar, Vikash Bhawan, Patna.
4. The Director, Primary Education, Govt. of Bihar, Vikash Bhawan, Patna.
5. The District Magistrate, Gaya.
6. The District Education Officer, Gaya.
7. The District Programme Officer, Gaya.
8. The Sub-Divisional Officer, Nimchak Bathani at Khijarsarai, Gaya.
9. The Block Development Officer, Mohara, Gaya.
10. The Block Education Officer, Mohara, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bankey Bihari Singh, Advocate
For the State	:	Mr. Madhaw Pd. Yadav, G.P.-23
		Mr. Rajesh Kr. Sinha, A.C. to G.P.-23

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-07-2019

The petitioner has not been able to establish his rights over the land and also the procedure under which he could have transferred the said land through a registered sale deed as claimed by him.



Paragraph-11 of the writ petition states as under:-

“11. That the District Superintendent of School cum District Planning co-ordinator, Gaya had informed the Director, Primary Education, Human Resources Development Department dated 15/3/2008 that the S.D.O., Bathari, head office-Khijarsarai Vide his letter no. 205 dated 16/6/2007 had stopped the construction of school village Surajpur stating there in that Land owner has registered his Rayati Land without taking permission from competent authority.”

It is, therefore, evident that nothing has been brought in support of the said objection which may have been raised by any of the revenue authorities. The land had been donated for the construction of a school in the village and this setting up of an institution at the village level has been engaging the attention of the authorities for the past more than 7 years.

The Collector, Gaya, is, therefore, directed to examine the entire facts and in the event, it is found that the land which is stated to have been made available by the petitioner is free from all encumbrances and can be utilized for the school purposes, the Collector shall forthwith issue directions for the construction of the school, for which a decision shall be taken within six weeks after making an enquiry as directed above,



from the date of production of a certified copy of this order.

The application is disposed of.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

AFR/NAFR	
CAV DATE	N.A.
Uploading Date	08.07.2019
Transmission Date	N.A.

