

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19640 of 2018

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Mahendra Sharma Son of Late Banwari Sharma, Resident of Village-
Murwan, P.S.- Goh, District- Aurangabad, Presently posted as Incharge
Headmaster, Rajkiya Madhya Vidhyalaya, Goh, Anchal- Goh, District-
Aurangabad. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The Regional Deputy Director of Education, Magadh Division, Gaya.
6. The District Magistrate, Aurangabad.
7. The District Education Officer, Aurangabad.
8. District Programme Officer, Education and Sarva Siksha Abhiyan,
Aurangabad.
9. The Block Development Officer, Anchal- Goh, District- Aurangabad.
10. The Circle Officer, Anchal- Goh, District- Aurangabad.
11. The Station House Officer, Goh Police Station, District- Aurangabad.
12. Birendra Ravidas, S/o Late Dinesh Ravidas,
13. Manoj Ravidas, S/o Birendra Ravidas,
14. Guddu Ravidas, S/o Birendra Ravidas,
15. Chhottu Ravidas, S/o Birendra Ravidas, All 12 to 15 are resident of Village-
Jajapur, P.S.- Goh, District- Aurangabad.
16. Shayam Deo Chandravanshi, S/o Deochand Chandravanshi,
17. Birendra Chandravanshi @ Kaltu, S/o Shambhu Chandravanshi, Both 16
and 17 resident of Village- Malhad, P.S.- Goh, District- Aurangabad.
18. Roopchand Thakur, S/o Late Gopal Thakur, Resident of Village/Town- Goh,
Mohalla- New Area, Near Harijan Hostel, P.S.- Goh, District- Aurangabad.
19. Vijay Singh, S/o Late Yadu Nandan Singh, Resident of Village- Bhelvandi,
P.S.- Goh, District- Aurangabad.
20. Amarjit Das, S/o Ashok Ravidas, Resident of Village- Jajapur, P.S.- Goh,
District- Aurangabad.
21. Ramswaroop Sah, S/o Sohrai Sao, Resident of Village- Tekari, P.S.- Tekari,
District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Dubey
For the Respondent/s	:	Mr.Smt. Shilpa Singh- Ga12

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 18-09-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In the present case, the petitioner has submitted that the Government Middle School, Goh under Aurangabad District (hereinafter to be referred as 'school') which has been established in the year 1926 and since then imparting quality education to the children. It has been stated that certain persons of the locality have illegally encroached the land of the school and they have made permanent construction over the land of the school as well as some temporary structure for commercial purpose.

This matter was brought to the notice of the Chief Secretary as well as the Principal Secretary, Education Department, Government of Bihar. Thereafter, the same was endorsed to Divisional Commissioner, Magadh Division, Gaya and thereafter to the Regional Development Authority, Magadh Division, Gaya. The District Magistrate, Aurangabad called a report from the District Education Officer, Aurangabad and in turn District Education Officer, Aurangabad issued letter No.



1323 dated 05.10.2017 by which a report was sought from the level of Block Development Officer, Goh with respect to the encroachment over the school land made by the strangers.

The District Programme officer, Primary Education and Sarva Siksha Abhiyan, Aurangabad forwarded the application to the S.H.O.. Goh Police Station, Aurangabad through Memo No. 1081 dated 22.10.2017 to take legal action in the matter but the learned counsel for the petitioner submits that still strangers are enjoying the illegal encroachment and still commercial structures are existing over the land of said school.

This Court directs the Circle Officer to officiate the proceeding against those who are the encroachers of the school land under the Bihar Public Land Encroachment Act and issue a notice to the persons concerned, who have made permanent structures as well as temporary structures for the purpose of commercial activity and after giving them proper hearing, ensure that the land of the school gets free from the encroachment.

This Court direct the District Magistrate to ensure the proper fencing of the boundary wall in order to protect the property of the school. Entire process should be completed within a period of six months from the date of production of a



receipt of a copy this order.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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