

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1661 of 2021

In
Civil Writ Jurisdiction Case No.1572 of 2020

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1. The State of Bihar
 2. The Director, Schedule Caste and Schedule Tribes Welfare Department, Government of Bihar, Patna.

... .. Petitioner/s

Versus

1. Geno Tanti S/o Chandu Tanti R/o Village-Garwah Katauna, Police Station-Malayalam, District-Jamui.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Union of India through the Secretary, Ministry of Tribal Affairs, Government of India, New Delhi.
4. The Secretary, Ministry of Youth Affairs, Government of India, New Delhi.
5. The Secretary, Ministry of Rural Development, Government of India, New Delhi.
6. The District Magistrate-Cum-Collector, Jamui.
7. The Mukiya, Panchayat Raj Katauna, District-Jamui.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prashant Pratap, GP 2
For the Opposite Party no. 2	:	Mr. Chakrapani, Advocate
For the Union of India	:	AC to ASG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

3 22-12-2021 Heard Mr. Prashant Pratap, learned counsel for the petitioner-State of Bihar and Sri Chakrapani, learned counsel for the respondent no. 1-writ petitioner.

The petitioner has filed the instant application for modification of the order dated 11.12.2020 passed in C.W.J.C.



no. 1572 of 2020 (Geno Tanti vs. the State of Bihar & Ors.).

It is submitted by learned GP 2 appearing for the State of Bihar that quoting paragraph no. 6 of the counter affidavit filed on behalf of the respondents, this Court by order dated 11.12.2020 disposed off the writ application (C.W.J.C. no. 1572 of 2020) in the following terms :

“Para-6 of the counter affidavit is reproduced hereinunder:

“That it is apposite to mention here that District Magistrate, Jamui vide its letter no. 248 dated 15.02.2020 has made available the detailed report. As per the report, after due consideration DM, Jamui has recommended shifting of the site of the proposed school from katauna Mauja of Panchayat Raj Katauna bearing Khata No.458, Kheshra No. 2640, Thana No.22, Rakwa-5 Acre to Genadih of Gidhaur Village bearing Khata No. 144, Kheshra No.295, Thana No.147, Rakwa-5 Acre.”

We dispose of the present petition with the direction to Respondent No. 3, namely The Director, Schedule Caste and Schedule Tribe Welfare Department, Government of Bihar, Patna to ensure that the recommendation reproduced supra is implemented in letter and spirit within the current financial year i.e. on or before 31st of March, 2021.

Liberty reserved to the petitioner to invite the attention of the authorities for non-compliance of the order as also approach the Court reviving the petition.



Interlocutory application, if any, shall also stand disposed of.”

It is submitted by learned counsel for the State of Bihar that pursuant to the order dated 11.12.2020 the SC and ST Welfare Department made a request to the concerned District Magistrate to transfer the land to the department for construction of the proposed school. Based on the report of the Divisional Commissioner, Munger Division, Munger the District Magistrate, Jamui wrote to the department on 30.12.2020 stating therein that on verification the proposed land for the site was found unsuitable on account of 133000 volts of high voltage electric wire passing above the said land. An alternative recommendation was made for construction of the proposed school on the land measuring an area of 5.00 acres bearing Khata no. 68, Kheshra no. 715, Thana no. 146 in Mauja Nayagao under Anchal Gidhaur which is close to the area earlier recommended. It is submitted that the SC and ST Welfare Department has consented to the proposal of District Magistrate, Jamui and following the approval of the departmental Minister a request for transfer of land was made to the district authorities who have also responded with the approval of the Divisional Commissioner, Munger.

In view of the change in the proposed site for construction of the school which is different from the site as mentioned in paragraph no. 6 of the counter affidavit filed in the writ application and which has been quoted in the order dated 11.12.2020, thus the instant



application for modification of the order dated 11.12.2020.

A further prayer has been made that the time granted by the above order dated 11.12.2020 for implementation of the recommendation in letter and spirit also be suitably extended.

Learned counsel for the writ petitioner-respondent no. 1 has no objection to the prayer made by the petitioner.

Having heard learned counsel for the parties, the order dated 11.12.2020 passed in C.W.J.C. no. 1572 of 2020 (Geno Tanti v. the State of Bihar & Others) is modified to the extent that the proposed site will be an area of 5.00 acres bearing Khata no. 68, Kheshra no. 715, Thana no. 146, Mauja Nayagao under Anchal Gidhaur and the time granted to respondent no. 3 i.e. the Director, Scheduled Caste and Scheduled Tribe, Welfare Department, Government of Bihar, Patna to ensure the implementation of the direction in letter and spirit is extended till 30.6.2022.

The modification application stands disposed off.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/-

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