

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2286 of 2015

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Md. Asfaque Alam Son of Late Md. Saifur Rehman Resident of village -
Margiha, Sadar Tola, P.O. Margiha, P.S. Barari, District - Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna
3. The Principal Secretary (P.A.) Government of Bihar, Patna
4. The Principal Secretary, Human Resource Department Government of Bihar, Patna
5. The Director ICDS Directorate Social Welfare Department, Government of Bihar, Patna
6. The Director Primary Education Education Department, Government of Bihar, Patna
7. The District Magistrate, Katihar
8. The District Welfare Officer, Katihar
9. The District Education Officer, Katihar
10. The Deputy Development Commissioner, Katihar
11. The District Programme Officer, Katihar
12. The District Programme Coordinator Officer, Katihar
13. The Block Development officer, Katihar
14. The Circle Officer, Barari, Katihar
15. The Child Development Project officer, Barari, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Respondent/s : Mr.Ga7-S.P.Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2022 The present writ petition has been filed
seeking the following reliefs:-

“1(i). For issuance of a writ in the
nature of certiorari for quashing the



letter no. 36/C dated 20.1.2015 as contained Annexure-8 issued by the Deputy Development Commissioner, Katihar who has illegally directed the Block Development Officer, Barari to construct Agarbari Centre at Barari against the will of donor.

(ii). For issuance of a writ in the nature of mandamus directing the Respondents not to construct Anganbari Centre No. 052 over the land of Respondent which is situated at Mauza Sofochak, Pragama-Dharmpur, P.S.-Barari, Thana No. 255, Khata No. 22, Kheshra No. 94 measuring area 38 decimal as such the land was donated by the grandfather of the petitioner by way of registered gift in favour of High Primary High School Sofichak for only purpose of opening of & establishment of High School.

(iii). For issuance of a writ in the nature



of mandamus directing the respondents. That the donee does not honour the donors pious wish (not expressed as a condition). That the donee shall maintain the donor. That the donee does hereby accept the gift subject to condition that if the aforesaid plot is used for any other purpose than for which is donated only High School for education of his locality Boy's and girl's. The said plot shall revert back to donor or his heirs as the case may be."

The learned counsel for the Respondent-State has referred to the counter affidavit filed in the present case and has submitted that the grandfather of the writ petitioner had donated 38 decimals land of Plot No. 94, Khata No. 22, Mauza-Sofichak, Thana No. 255, Anchal-Barari vide registered deed dated 29.2.1964 for construction of Madhya Vidyalaya Sofichak Maraghiya of Barari Block, District-Katihar. It is further submitted that the Anganbari Kendra is being constructed over



the land situated at Sofichak, where the school has been constructed on the land donated by the grandfather of the petitioner, vide registered deed dated 29.02.1964, inasmuch as the guidelines & joint decision of the Bihar Education Project Council & the ICDS provide for construction of Anganbari Centres in the campus of the school in order to maintain proper educational atmosphere, to ensure low drop out rate of students & to increase the admission rate, thus the claim put forth by the petitioner in the present writ petition is incorrect, baseless and devoid of any merit.

In view of the aforesaid, I do not find any merit in the present writ petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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