

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.279 of 2022

1. Maheshwar Prasad Narayan Singh Son of Late Nagendra Prasad Narayan Singh Resident of Madhuban Khothi, Aamgola Road, Musahri, Muzaffarpur, District- Muzaffarpur, Bihar. Permanent Resident of Madhuban Estate, Village Madhuban, Post- Gulwara Madhuban, District- East Champaran, Bihar.
2. Dinesh Prasad Narayan Singh Son of Late Nagendra Prasad Singh Resident of Madhuban Khothi, Aamgola Road, Musahri, Muzaffarpur, District- Muzaffarpur, Bihar. Permanent Resident of Madhuban Estate, Village Madhuban, Post- Gulwara Madhuban, District- East Champaran, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary Building Construction Department, Government of Bihar, Patna.
3. The Principal Secretary Labour Resources Department, Government of Bihar, Patna.
4. The Principal Secretary Department of Education, Government of Bihar, Patna.
5. The Director Labour Resources Department, Government of Bihar, Patna.
6. The Director Secondary Education, New Secretariat, Patna.
7. The District Magistrate-cum- Collector Motihari, East Champaran.
8. The Executive Engineer Building Division, Motihari, East Champaran.
9. The District Education Officer Motihari, East Champaran.
10. The Principal Shri Vishnu Pragash Uchcha Vidyalaya, Madhuban.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sriram Krishna, Adv.
For the Respondent/s : Mr. Amit Prakash (GA-13)

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

2 24-03-2022 The case is being taken up from defect side.

Learned counsel for the petitioners is directed to
submit the original petition along with attested affidavits and
also remove the defects pointed out by the Registry within two



weeks from today.

Considering that the petitioners by way of writ petition prays for implementation of the conditions of gift executed by his mother Late Srimati Raj Dulari Devi. Learned counsel submits that the land was specifically gifted out for establishment of Shri Vishnu Pragash Uchha Vidyalaya, Madhuban, however, the respondents have violated the conditions of gift and are proceeding to make construction of an Industrial Training Institute.

Question regarding the execution of gift/condition of gift as well as implementation are pure question of fact which need to be examined by the competent Civil Court alone and would not fall for adjudication under Article 226 of the Constitution of India.

Matter being solely factual, writ petition is dismissed.

(Sanjeev Prakash Sharma, J)

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