

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2084 of 2023

Markandey Singh son of Late Ram Briksha Singh, Resident of Village-Brahampur, P.S.-Brahampur, District-Buxar, Donar Member of The Managing Committee of Brahmeshwar Nath High School Brahampur, P.S.-Brahampur, Dist-Buxar, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna
3. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
4. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
5. The Under Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
6. The Commissioner, Patna Division, Patna.
7. The District Magistrate, Buxar.
8. The Additional District Magistrate, Buxar.
9. The District Panchayati Raj Officer, Buxar, Bihar.
10. The District Education Officer, Buxar, Bihar.
11. The Sub Divisional Officer, Dumraon, Buxar, Bihar.
12. The Block Development Officer, Brahampur, Buxar, Bihar.
13. The Circle Officer, Brahampur, Buxar, Bihar.
14. The Executive Officer, Brahampur Nagar Panchayat, Brahampur, Buxar, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr.Surendra Kumar Singh, Advocate
For the Respondent/s	:	Mr.Kumar Alok (Sc7)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 25-02-2023 The present writ petition has been filed seeking the following reliefs:-

" i) To issue an appropriate writ, order or



direction upon the Respondent Authorities directing them to spare School field and its adjacent lands of the School from organising the BRAHAMPUR FAGUNI AND SHIVRATRI CATTLE FARE/HORSE FAIR 2023 and onwards

ii) To issue appropriate writ, order or direction commanding the Respondents not to engage any portion of the School Building, Field or any portion of the School Land for the BRAHAMPUR FAGUNI AND SHIVRATRI CATTLE FARE/ HORSE FAIR 2023 and onwards

iii) To issue an appropriate writ, order or direction commanding the Respondents not to interfering with the decision taken by the Managing Committee of BRAHMESHWAR NATH HIGH BRAHAMPUR, SCHOOOL Brahampur approved by the general Body for not allowing the Respondents to organize the BRAHAMPUR FAGUNI AND SHIVRATRI CATTLE FARE/ HORSE FAIR 2023 and onwards over any part of the School Building or its land.

iv)To issue an appropriate writ, order or direction commanding the Respondents not to interfere or disturb Teaching as also with the smooth functioning of the BRAHMESHWAR NATH HIGH



SCHOOL BRAHAMPUR during Brahampur Faguni and Shivratri Cattle Fare.

v) To issue further Writ, order or direction for declaring the Land, Building and the Fields of the BRAHMESHWAR NATH HIGH SCHOOL, BRAHAMPUR is exclusively for the Academic and Teaching purposes and any undue interference in the academic Activities by the Respondents are completely illegal and action without jurisdiction because the same amounts to undue interference in to the functioning of the BRAHMESHWAR NATH HIGH SCHOOL. BRAHAMPUR

vi) To issue further appropriate writ, order or direction commanding the Respondents to allow the BRAHMESHWAR NATH HIGH SCHOOL, BRAHAMPUR to manage and, Control the School on its own and further declare the undue interference as proposed by the Respondents as an act of malafide and arbitrary exercise of authority by them.

vii) That Hon'ble Court may adjudicate and hold that organizing the BRAHAMPUR FAGUNI AND SHIVRATRI CATTLE FARE/ HORSE FAIR 2023 over any portion of the School Building/ Land is impermissible as it adversely affects the smooth functioning of the School and



disturbs the academic atmosphere of the School.

viii) That this Hon'ble Court may further adjudicate and hold that the action of the Respondents in interfering with the functioning/ day to day functioning of the BRAHMESHWAR NATH HIGH SCHOOL, BRAHAMPUR and its decision to organise BRAHAMPUR FAGUNI AND SHIVRATRI CATTLE FARES over the lands of the School is an act of mala fide and arbitrary exercise of authority.

ix) To declare the entire action of the Respondents as illegal and inoperative as the same is contrary to the provisions of the Constitution of India as well as Panchayati Raj Act and also against the basic fundamental rules of the Govt. as Education of the Children cannot be allowed to suffer for the Cattle Fair.

x) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages being caused to the BRAHMESHWAR NATH HIGH SCHOOL, BRAHAMPUR on account of the illegal and arbitrary actions of the Respondent Authorities.

xi) To grant any other relief or reliefs which the Petitioner may be found



entitled to in the facts and circumstances of the case."

The learned counsel appearing for the District Administration, i.e. the District Magistrate, Buxar, Shri Kumar Alok, SC-7 has submitted that the District Magistrate, Buxar undertakes to take all precautions and steps to ensure that the studies being imparted at the school in question are not hampered and peace and tranquility is maintained in the vicinity of the school premises, as also it shall be ensured that the noise level is maintained within the permissible limits.

At this juncture, the learned senior counsel for the petitioner seeks liberty on behalf of the petitioner to approach Civil Court of competent jurisdiction, for seeking injunction against the fair being organized repeatedly in the vicinity of the school premises/land, hampering studies being imparted in the said school. Liberty so sought is granted.

The writ petition stands disposed off as not pressed, however, with the aforesaid liberty.

(Mohit Kumar Shah, J)

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