

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6319 of 2020

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Lohia Nagar Mt. Carmel High School Through its Director Minu Singh,
female, aged about 58 years, resident of A/14, Kankerbagh Colony,
Patna- 800020, Bihar. **Petitioner**

Versus

1. National Thermal Power Corporation, A Government of India Enterprise. At Barauni Thermal Power Station, P.O. and P.S.- Barauni, District- Begusarai, Bihar- 851116.
2. General Manager-cum- Chief Engineer National Thermal Power Corporation. At Barauni Thermal Power Station, P.O. and P.S.- Barauni, District- Begusarai, Bihar- 851116.
3. Deputy General Manager (DGM HR). At Barauni Thermal Power Station, P.O. and P.S.- Barauni, District- Begusarai, Bihar- 851116.
4. Senior Manager (R and R) At Barauni Thermal Power Station, P.O. and P.S.- Barauni, District- Begusarai, Bihar- 851116.
5. Bihar State Power Generation Co. Ltd., Vidyut Bhavan, Patna, 800001, Bihar.

... .. **Respondents**

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Appearance :

For the Petitioner	:	Mr.Shrawan Kumar, Sr. Advocate Mr.Dinesh Maharaj, Advocate
For the NTPC	:	Mr. Tuhin Shankar, Advocate Mr.Sanjeev Kamal, Advocate
For the BSPGC Ltd.	:	Mr.Vinay Kirti Singh, Sr. Advocate Mr.Vijay Kumar Verma, Advocate Mr.Akhileshwar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

9 04-09-2023 Heard Mr. Shrawan Kumar, learned senior counsel

assisted by Mr. Dinesh Maharaj, learned Advocate for the

petitioner, Mr. Tuhin Shankar, learned counsel for the

respondent nos. 1 to 4 and Mr. Vinay Kirti Singh, learned senior

counsel assisted by Mr. Vijay Kumar Verma, learned Advocate

for the Bihar State Power General Company Limited, Patna.



2. By filing this writ application, the petitioner is seeking a writ in the nature of writ of mandamus commanding the respondents not to close the school in consequence of letter no. 124 dated 29.11.2019 and letter no. 154 dated 08.02.2020 as contained in Annexure '11' series to the writ application.

3. The petitioner also prays for a direction to the respondent nos. 1 to 4 to make available the petitioner, a piece of two acres of land on lease for at least 30 years to enable the petitioner to seek approval from CBSE Board, Delhi.

4. From the narration of the facts emerging from the pleadings on the record, this Court finds that the petitioner school is an unit of a society and the school was established in the premises of the Barauni Thermal Power Station, Barauni. It appears that an agreement was entered into between erstwhile Bihar State Electricity Board (the newly formed B.S.P.G.C.L – respondent no. 5, is one of the companies formed thereafter) and the management of the school. A copy of the agreement dated 08.02.2000 entered into between the parties has been brought on record as Annexure '1' to the writ application.

5. This Court need not go into many details present in the agreement. A perusal of the entire materials only shows that at this stage the earlier agreement has already lived its life and



the respondents are not interested in renewing the said agreement. In paragraph '7' and '8' of the counter affidavit filed on behalf of the respondent no. 5, it is categorically stated that vide memo no. 36 dated 17.06.2013 of the DGM (HR/Adm.) BSPGC Ltd., the Director of the school was informed that his request to grant two acres of land on 30 years lease was examined by the management of the Company and it has been decided to reject the request. Annexure 'B' to the counter affidavit of respondent no. 5 is the copy of the communication in this regard.

6. Learned senior counsel, however submits that even thereafter the petitioner was allowed to continue in the premises.

7. So far as respondent nos. 1 to 4 are concerned, they are contending that the NTPC management is only a lease holder of assets of Barauni Thermal Power Station and they are not having ownership right on the said assets in terms of the Bihar Power Generating Station Transfer Scheme, 2018, therefore, they cannot make available the land to any party.

8. Having regard to the aforementioned facts, although learned senior counsel for the petitioner has tried to impress upon this Court that the petitioner was allowed to continue even after the rejection of request as contained in



Annexure ‘B’ to the counter affidavit of respondent no. 5, this Court is of the considered opinion that this Court sitting under Article 226 of the Constitution of India is not required to enter into the realm of private disputes, if any, between the parties. The petitioner, if so advised, may seek redressal of it’s grievance under private law remedy before appropriate forum.

9. This Writ Application is dismissed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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