

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8844 of 2023

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Jivach Chaudhary, Son of Lal Babu Chaudhary, Resident of Ward no. 03,
Village- Bhadaia, Police Station- Mohiuddin Nagar, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
4. The State Project Director, Education Department, Government of Bihar, Patna.
5. The Managing Director, B.S.E.I.D.C.-cum-Special Secretary, Education Department, Government of Bihar, Shiksha Bhawan, Saidpur, Patna- 800004.
6. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation, Shiksha Bhawan, Saidpur, Patna- 800004.
7. The District Magistrate, District- Samastipur.
8. The District Education Officer, District- Samastipur.
9. The District Programme Officer, Primary Education and Sarva Shiksha Abhiyan, Samastipur, District- Samastipur.
10. The Block Education Officer, Mohiuddin Nagar, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 27-06-2023

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner who claims himself to be a social



worker having no direct or indirect interest in the matter in issue, has filed the instant case in the nature of a Public Interest Litigation praying for the following relief :-

“That the petitioner craves indulgence of this Hon'ble Court for issuance of an appropriate writ in the nature Mandamus/Public Interest Litigation or any other writ/writs, order/orders, direction/directions, command/commands for directing the respondents to construct School building on donated land for school which was registered through Deed on 11.01.1967 vide Mauza-Bhadaia, Thana No. 139, Khata No. 221, 146, 176, 242, 86, 243, 01 and 120 vide Khesra No. 1764, 1907, 1904, 1905, 1906, 1902 and 1903, Total Area 1 Bigha, 16 Katha and 16 Dhurs.”

3. It is submitted by learned counsel for the petitioner that the respondent authorities are in collusion and it is for this reason that they are not constructing the school on the land in question which has been described in detail in paragraph no. 1 of the writ application, and as quoted herein above which measures an area of 2 acres. According to the petitioner, this land was donated for construction of school etc. in the year 1967.

4. Having heard learned counsel for the parties and having perused the material on record, it transpires that the 49



years old petitioner wants construction on a particular piece of land which according to him was donated for the said purpose more than fifty years ago in the year 1967. At the same time, he submits that he has no direct or indirect interest in the matter.

5. The question as to whether there is a requirement of school(s), of what level (primary, secondary or higher), and the place where the same be constructed, in the opinion of the Court, are all policy matters which are to be decided by the Government with the assistance of the local administration.

6. In the opinion of the Court, the instant case, which has been filed in the nature of Public Interest Litigation is not maintainable and no relief can be granted herein.

7. The application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
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Transmission Date	N/A

