

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19163 of 2018

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Baidyanath Mallick S/o Mahabir Mallick resident of Village- Mohinam Patti,
Bahera Bazar, P.S.- Bahera, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sub Divisional Officer Benipur, District- Darbhanga.
3. District Education Officer, Darbhanga.
4. District Programme Officer Establishment, Darbhanga.
5. Circle Officer, Bahera, Benipur Block, P.S. Bahera, District- Darbhanga.
6. Additional Collector, Land Reforms, Benipur, Darbhanga namely Pradeep Kumar Jha, S/o not known,
7. Block Education Officer cum Deputed Magistrate Primary School girls, Bahera.
8. Station House Officer Bahera, District- Darbhanga.
9. Smt. Bhagwania Devi, W/o Late Nooja Mahto, R/o Vill.- Mohinam Patti, Bahera Bazar, P.S.- Bahera District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shahanwaz Ansari, Advocate
For the Respondent/s	:	Smt. Shilpa Singh- GA-12
		Mr. Apurva Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 31-01-2024 The writ petition is filed against the encroachment of a school premises by the 9th respondent. It was also alleged that earlier also the writ petition was filed and the encroachment was removed, but later the 9th respondent again encroached into and took possession of the property. The encroachment is said to be carried out in the Primary School (Girls) Bahera Block Benipur



District Darbhanga. The counter affidavit also indicates that the petitioner’s wife was the Head Mistress of the Primary School.

2. In any event, the 9th respondent is no more and we had directed a substitution petition to be filed as early as on 20.06.2023. Even today, there is no substitution petition filed and the learned counsel seeks for further two weeks time. We are not inclined to grant further time for the purpose of filing a substitution petition.

3. The writ petition stands dismissed, however, leaving liberty to the petitioner to move afresh, if he so desires, in which circumstances, the maintainability would be considered by the Court at that point of time.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

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