

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8139 of 2024

Vijay Kumar Singh, S/o Gorakh Nath Singh, Secretary, Mateshwari Sewa Samittee Mehiya, P.O.- Gurukul Mehiya Via Purbi Telpa, P.S.- Chapra Mufassil, District – Saran. Petitioner

Versus

1. The State of Bihar through the Chief Secertary, New Secretariat, Government of Bihar, Patna.
2. District Magistrate, Saran.
3. Additional District Magistrate, Sadar, Saran.
4. Circle Officer, Chapra Sadar, Saran.
5. Block Development Officer, Chapra Sadar, Saran.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1, Advocate
For the Respondent/s : Mr. P.K. Shahi, AG

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HARISH KUMAR)

Date : 17-05-2024

The petitioner claiming to be a social worker has filed the instant writ petition under Article 226 of the Constitution of India, seeking a direction upon the respondents to remove the encroachment from Gurukul Sanskrit High School, Mehiya, P.O.-Gurukul Mehiya via Purbi Telpa, P.S. Chapra Mufassil, District-Saran.

2. It is the contention of the learned Counsel for the petitioner that on 27.05.1946, Ramdhari Singh and Ramdev Singh, had donated 1 bigha 9 dhur land to Gurukul Samiti with the aim and object to run Sanskrit School for imparting education to the children of the said locality. The Gurukul



Samiti has been performing its duty with all promptness and sincerity.

3. In order to further extend the school, Bibi Nahiman had also donated 12 bigha 10 dhur land to Gurukul Samiti by way of registry with same purpose to provide and impart education to the local children. The copy of both the deeds have been placed on record by way Annexures-P/2 and P/3.

4. Adverting to the aforesaid fact, the learned Counsel for the petitioner, thus, submitted that the Deed of Trust, based upon which Gurukul Samiti has been constituted, clearly discloses that after the death of donors, their heirs cannot raise any claim over the donated land. The Member of the Samiti is also divested off the power to sell the land.

5. In case any person or persons tried to encroach the said land, in that circumstances, Gurukul Samiti is authorized to object and save the land.

6. Despite the afore-noted position, at present, some unscrupulous persons in connivance with the members of Gurukul Samiti, encroached the land of Gurukul and constructed house over it, which is the concern of the petitioner.

7. The afore-noted fact has also been brought to the notice of the District Education Officer and a request has also been made for removal of the encroachment but nothing has been done. Hence, the present writ petition.



8. Having considered the submissions advanced on behalf of the petitioner and the materials available on record, *prima facie*, it appears that the lands in question were donated in the name of Gurukul Sanskrit High School, Mehiya and, thus, it is only the affected party, who has the locus to challenge the action of the authority/person if it feels aggrieved. However, if the lands in question, otherwise belong to the government, the petitioner has the remedy to approach before the competent authority under the Bihar Public Land Encroachment Act, 1956.

9. Besides the aforesaid reason, the writ petition is also bad for non-joinder of necessary parties, i.e. the the persons, who are said to have encroached over the lands of the school. The writ petitioner, having neither any claim over the property/land nor anyhow associated with the management of Gurukul has no locus to pursue the present writ petition in the guise of Public Interest Litigation.

10. The writ petition is devoid of any merit, thus stands dismissed.

(K. Vinod Chandran, CJ)

rohit/-

(Harish Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19-06-2024
Transmission Date	

