

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10072 of 2024

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Surendra Tanti Son of Late Jagdish Tanti, Resident of Village- Sarsa,
Bichhwe, P.S.- Sikandara, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector and District Magistrate, Jamui.
2. The Principal Secretary, Department of Education, Bihar.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The District Magistrate, Jamui.
5. The District Education Officer, Jamui.
6. The Circle Officer, Sikandra, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate
For the Respondent/s : Advocate General

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

2 05-07-2024 1. Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for the
following reliefs:

*I. That, Respondent may kindly be directed to
construct the proposed new building of +2 High
School of village Bichhawe, Sikandra, at the
land donated by ancestor of petitioner and other
agnates long back 1984, appertaining to Khata
No. 89, Khasra No. 674, area 1.50 acre, duly
transferred for construction of said +2 High
School, in the name of Hon'ble Governor, Bihar,
through registered Gift deed. At present, middle*



school of the village Bichhawe, is runing by the government, at this very donated land, and still there is sufficient place available, for construction of new +2 High School Building.

II. That, since respondents are going to construct a new building for the said +2 High school, at another piece of land, used by the villagers as Water reservoir since time immemorial, and as such, if the proposed construction is allowed to be done it will not only create an obstruction in the water reservoir, rather it will come on the way of natural flow of excess water, from the said reservoir, and as such, in rainy season it will be a curse for the people of village, instead of giving any benefit to the village people, and as such the proposed place of constructions may kindly be directed to be shifted to the land already transferred in the name of Hon'ble Governor, Bihar, long back 1994.

III. That, for any other relief (s) for which petitioner is found entitled on the facts of this case and also in the eye of law.

3. The case of the petitioner in the instant application filed in the nature of a public interest litigation is that his ancestors gifted a piece of land in village Bichhawe in District of Jamui measuring an area of 1.5 acres for construction of a High School. The deed of gift executed in favour of the Governor has been brought on record as Annexure-1 to this application.

4. It is submitted that even after registration of the gift deed, the State authorities only constructed a Middle School



upon the same though there is sufficient place for +2 High School building still available on the gifted land. The petitioner contends that he has come to know that the authorities of the State Government at the instance of some vested interest have chosen another piece of land for construction of +2 High School building. The petitioner contends that inspite of his representation to the District Magistrate, no interest has been taken for construction of the said building on the land gifted by his ancestors and as such the present writ application.

5. The application is opposed by learned counsel for the respondents.

6. Having heard learned counsel for the parties and having perused the contents of the writ application, it transpires that as per the case of the petitioner his ancestors had gifted a piece of land measuring 1.5 acres for construction of High School building by a registered deed of gift dated 12.6.1984. Even as per the petitioner's case, it is not in dispute that a building for Middle School was constructed on the said land by the State authorities. Considerable period of 38 years have passed since the aforesaid gift was made and the Middle School having been constructed on the said land. As to whether the building for the +2 High School be constructed on the part of



land gifted by the petitioner’s ancestors or another piece of land as is proposed, as evident from the contents of the writ application, is purely a policy matter of the State Government to be decided by the appropriate authorities taking into consideration large number of factors . The decision of the place of construction of a school building, in the facts of the present case, cannot be a subject of a judicial review.

7. Further the petitioner asking for construction of the +2 High School building on the part of the land donated by his ancestors would not even be a public interest litigation as the interest is personal to the petitioner.

8. In the facts and circumstances of the case, the Court finds no merit in the instant application and the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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