

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1638 of 2021

In
Civil Writ Jurisdiction Case No.13935 of 2015

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Ramchandra Prasad Yadav S/O Late Jhaman Prasad Yadav Resident of
Village - Surajpur, P.O. - Khanpur, P.S. - Atri, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Sanjay Kumar Principal Secretary, Education Department, Govt. of Bihar, Vikas Bhawan, Patna.
2. Mr. Sanjay Kumar, The Principal Secretary Education Department, Govt. of Bihar, Vikas Bhawan, Patna.
3. Mr. Amrendra Pratap Singh, The Secretary, Primary Education, Govt. of Bihar, Vikash Bhawan, Patna.
4. Mr. Ranjeet Kumar Singh, The Director, Primary Education, Govt. of Bihar, Vikash Bhawan, Patna.
5. Mr. Abhishek Singh, The District Magistrate, Gaya.
6. Mr. Rajdeo Ram, The District Education Officer, Gaya.
7. Mr. Upendra Kumar Singh, The District Program Officer, Gaya.
8. Mr. Manoj Kumar, The Sub-Divisional Officer, Nimchak Bathani at Khijar Sarai, Gaya.
9. Mr. Shambhu Chaudhary, Block Development Officer, Mohara, Gaya.
10. Mr. Krishna Kumar Singh, The Block Education Officer, Mohara, Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Smt. Shilpa Singh (Ga 12)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

7 01-08-2024

On 04.04.2024, the following order was passed:-

*"On 03.01.2024, the following
order was passed:*

*Pursuant to our previous
order dated 12.12.2023 personal
affidavit on behalf of the Additional
Secretary, Education Department,*



Government of Bihar, Patna has been filed in which they have expressed that petitioner donated land cannot be utilized for the purposes of School construction and running a school, in that event it was bounden duty of the Education Department to get cancel the gift deed made by the petitioner in favour of the Government within a period of three months from the date of receipt of this order.

2. Re-list this matter on 04.04.2024.

2. Today, supplementary show cause on behalf of the Director Primary Education, Govt of Bihar, Patna (Opposite Party no. 4) has been filed along with annexure-R1 to R7. Gist of the supplementary show cause on behalf of the Director Primary Education, Govt of Bihar, Patna is that gift deed cannot be cancelled at the level of registering authority and it has to be cancelled only in the Court of law in filing a suit before the jurisdictional forum. In this regard, necessary action shall be taken at the earliest and convey the message to this Court before the next date of hearing. In the meanwhile, physical possession of the land (gifted land) shall be handed over to the petitioner for utilisation. However, it is to be noted that petitioner is also not in a position to dispose of the gifted land unless and until gift deed is cancelled and property revert back in the name of the petitioner, this may be taken note of the petitioner to the extent that he should not dispose of the subject matter of gift deed land to any third party till suit is decided. In the alternative State/competent authority is also permitted to undertake process of relinquishing deed in favour of the petitioner if they so desired and in accordance with law.



3. *Re-list this matter on 01.08.2024."*

2. Today, learned counsel for the respondents - State has filed show-cause on behalf of Opposite Party No. 6 - District Education Officer, Gaya while pointing out Title Suit No. 263 of 2024 has been filed. To that effect, letters dated 24.02.2022 and 27.07.2024 have been placed on record. Learned counsel for the State on instruction submitted that there is no cancellation of gift deed which was in favour of the petitioner.

3. Taking note of these developments, the proceedings of present MJC - Contempt Petition No. 1638 of 2021 stands dropped. Petitioner is permitted to utilize the subject gift land subject to outcome of Tile Suit No. 263 of 2024.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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