

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6347 of 2017

Akhilesh Kumar Shahi @ Rinchu Shahi Son of Late Nathuni Prasad Shahi,
Resident of Village- Sisai, P.O. and P.S.- Bhorey, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Land Reforms and Revenue,
Government of Bihar, Secretariat,
3. The Principal Secretary, Department of Education, Govt. of Bihar,
Secretariat, Patna.
4. The Director, Primary Education, Govt. of Bihar, Patna.
5. The Collector, Gopalganj.
6. The District Education Officer, Gopalganj.
7. Kanya Madhya Vidyalalya, Sisai, P.O. and P.S. Bhore, District- Gopalganj
through the Headmaster.
8. The Headmaster Kanya Madhya Vidyalaya, Sisai, P.O. and P.S. Bhore,
District- Gopalganj.
9. The Additional Collector, Gopalganj.
10. The D.C.L.R. Hathua, Gopalganj.
11. The C.O. Bhorey.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Nagendra Rai
For the Respondent/s	:	Mr.Nutan Sahay, AC to AAG-12
For Respondent no. 12		Mr. Abhijat Kumar Singh
		Mr. Prajit Pritam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 17-02-2025 Heard the parties.

2. The present writ petition has been filed by the
petitioner for the following reliefs:-

*(i) "Quashing the order dated 14.01.2017
(Annexure-5) passed by the Respondent no. 9
in Mutation Revision No. 04 of 2024 of
2013-14, order dated 30.01.2014 (Annexure-
4) passed by the respondent no. 10 in
Mutation Appeal No. 53 of 2012-13.*



(ii) Annulling the mutation of the name of respondent no. 7 over the land bearing R.S. Plot No. 605 Area 1 Bigha, 7 Katha appertaining to Khata No. 795 situated in village: Sisai, P.S. Bhore, District: Gopalganj;

(iii) Command the Respondent nos. 1 to 8 not to interfere or obstruct in the peaceful possession and enjoyment by the petitioner of the aforesaid plot no. 605 situate in village Sisai. P.S. Bhore, District:, Gopalganj.

(iv) Grant any other relief deemed fit and proper."

2. Learned counsel for the petitioner has submitted that his ancestors donated the land, in question to the State Government for construction of a school. One of the stipulated conditions of the gift deed was that if, the school was not constructed or if it is demolished the land would revert back to the heirs of the donor. He has further submitted that the gift deed was executed in the year 1956 and 1958, but the State Government did not utilize the land for construction of the school. As such, according to the stipulated condition, the land should be returned to the petitioners who are the heirs donor and his successor-in-interest.

3. Since the school building was not constructed, the petitioner filed an application for mutation before the Circle Officer, which was rejected on 04.12.2012 against which, the petitioner preferred an appeal before the DCLR and his appeal



was also dismissed on 30.01.2014. The petitioner filed revision against the order of DCLR which was also dismissed on 14.01.2017, which is impugned herein.

4. By drawing my attention towards paragraph nos. 7, 16 and 23 of the counter affidavit filed by the State, the learned counsel for the petitioner submits that paragraph nos. 7 and 23 are contradictory to each other. In paragraph no. 7, it has been mentioned that two rooms are existing on some portion of the donated land whereas the other part of donated land is utilized by the school for playing of the students but in paragraph no. 23, It has been mentioned that a playground is existing on the land, in question.

5. It is submission of the learned counsel for the State that it has come in revisional order that school and *Aganbadi* center is existing on the donated land.

6. Be that as it may, the alternative remedy under Section 9 of the Bihar Land Tribunal Act lies before Bihar Land Tribunal, as such, the petitioner may take the recourses of the alternative remedy and if, he takes statutory recourse within a period of six weeks, the Bihar Land Tribunal shall dispose of the matter on merits within a period of six months after giving the opportunities of being heard to the parties.



7. It is expected that till disposal of the matter by the Bihar Land Tribunal, the nature of land shall not be changed.

8. Accordingly, this writ application stands disposed of.

(Nawneet Kumar Pandey, J)

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