

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17039 of 2015

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Mahapatiya Devi W/o Paltu Mandal, Resident of Village Shahpur,
Chintamani tole Srirampur, P.S. Hathauri, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Education Department,
Government of Bihar, Patna
2. The Commissioner Darbhanga Division, Darbhanga
3. The District Magistrate Samastipur, District Samastipur
4. The District Education Officer, Samastipur
5. The Program Officer Education for all schemes, Samastipur
6. The Sub-Division Officer, Rosera, District Samastipur
7. The Circle Officer, Sivajinagar, Block P.S.- Sivajinagar, District- Samastipur
8. The Block Education Officer, Shivajinagar, District- Samastipur
9. The S.H.O. Hathauri District Samastipur
10. The Chairman School Education Committee New Established Primary
School Srirampur, P.S. Hathauri, Di
11. The Head Teacher, New Established Primary School Srirampur, P.S.
Hathauri, District Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate Ms. Rani Shashi Bharti, Advocate Ms. Swati Kumari, Advocate
For the State	:	Mr. Subhash Prasad Singh, GA-3

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2025 Heard Mr. Bijay Bhushan Prasad, learned counsel

for the petitioner and Mr. Subhash Prasad Singh, GA-3 for the

State.

2. The present writ petition has been filed for
following reliefs:

*a. For issuance of writ in the nature of
mandamus or any other appropriate writ/s order/s*

direction/s to the respondents not to disturb the peaceful possession of petitioner on her raiyati (purchased land) appertaining to Khata No. 65 new, 141 old, Plot No. 78 old 158 and 159 new, Area 8 Katha, 8 Dhur situated at Mauje Shahpur Chintamani, Thana No. 20 under Shivajinagar Circle of Samastipur District.

b. For issuance of appropriate writ/s order/s direction/s declaring that any construction of school building and boundary over any part of the aforesaid raiyati land of the petitioner without her valid consent or without acquisition and requisition under Bihar Land Acquisition Act is illegal and arbitrary and further possession of the petitioner be restored in its original form and cost to compensation caused to the petitioner due to nature of the land has been changed by the respondents and further realized the amount from the pocket of the erring persons.

c. For issuance of appropriate writ/s order/s direction/s for which petitioner is otherwise entitled under the fact and circumstances of the case.

3. Learned counsel for the petitioner submits that the petitioner has approached this Court for removal of encroachment over his land by a Government School.

4. A counter affidavit has been filed on behalf the District Magistrate, Samastipur (respondent no. 3) in which the District Magistrate, Samastipur accepted that 2 dhur land of R.S. Plot No. 159, the same belongs to the petitioner, has been used

in the construction of the said School in question.

5. In view of the aforesaid, the District Magistrate, Samastipur is directed to pay the compensation to the petitioner in accordance with law an after examining the relevant documents, pay the compensation amount within a period of six months.

6. With the aforesaid direction, the writ petition stands disposed of.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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