

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18076 of 2023

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Jay Chandra Prasad Singh S/o Late Manjhi Prasad Singh, resident of Village -
Rahimpur Kadhैया Ward no.- 05, PO- Kachara Block - Saur Bazar District -
Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources, Development, Govt. of Bihar, Patna.
2. The District Magistrate, Saharsa.
3. The Additional Collector, Saharsa.
4. The District Sub-Registrar, Saharsa.
5. The Regional Deputy Director of Education, Koshi Division Saharsa.
6. The District Education Officer, Saharsa.
7. The District Programmed Officer (Primary Education and Sarva Shikaha Abhiyan), Saharsa.
8. The Deputy Collector Land Reforms, Saharsa.
9. The In-charge Officer, District Revenue Cell, Saharsa.
10. The Circle Officer, Saur Bazar, Saharsa.
11. The Block Education Officer, Saur Bazar, Saharsa.
12. The Head-Master, Newly Primary School Rahimpur Goth Block - Saur Bazar, District- Saharsa.
13. Jai Ram Prasad Singh, Son of Late Jamun Mahto, resident of Village - Rahimpur Goth, Gram Panchayat Kadhैया, P.S. - Saur Bazar, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Akash Anand, Advocate
For the Respondent/s	:	Mr. Vivek Prasad (Gp 7)
	:	Mr. Kumar Kaushik, Advocate
	:	Mrs. Namrata Dubey, Advocate
	:	Mr. Hemand Raj, Advocate

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 14-05-2025 Heard learned counsel for the petitioner and

learned counsel for the State.

2. This matter relates to construction of Primary



School in the Village-Rahimpur Goth, District-Saharsa. The petitioner had come to this Court contending that the construction of the Primary School being carried out on 22 decimal of land existing at *Mauja Kadhiya Thana* No.- 134, *Khata* No.- 129, *Khesra* No.- 2005 donated by *Jai Ram Prasad Singh* (Respondent No. 13) and his two brothers Uttamanand Singh and Dayanand Singh in favour of the Hon'ble Governor of Bihar *vide* Registered Sale Deed No. 2851 dated 13.03.2018, was being illegally done and hence the same should be restrained and further to direct the respondents to construct the Primary School upon his 10 decimal of land existing at *Mauja Chakla Thana* No.- 135 *Khata* No.- 27, *Khesra* No.- 106 and 13 decimal land existing in *Mauja Chakla Thana* No.- 135 *Khata* No.- 20, *Khesra* Nos.- 79 & 80, totaling to 23 decimal land, which the petitioner also claims to have executed in favour of the Hon'ble Governor of Bihar.

3. During the course of hearing, this case took a curious turn when the learned counsel for the petitioner submitted that the petitioner will have no objection to the construction of the Primary School being carried out on 22



decimal of land existing at *Mauja Kadhiya Thana* No.-134, *Khata* No.-129, *Khesra* No.-2005 donated by *Jai Ram Prasad Singh* (Respondent No. 13) and his two brothers in favour of the Hon'ble Governor of Bihar *vide* Registered Sale No. 2851 dated 13.03.2018, if submission of the petitioner is recorded to the extent that a part of this land on which the Primary School is being constructed or rather has already been constructed is being claimed by the petitioner to be his land. In nutshell, only the petitioner's claim of partial ownership of the land over which the Primary School is being or has been constructed is only to be noted, without adjudicating the correctness of his claim.

4. Learned counsel appearing for Respondent No. 13 responded to the above submission by contending that although the claim being made by the learned counsel for the petitioner as indicated above, is totally incorrect but since the petitioner only wants his claim to be recorded without any adjudication of the said claim by this Court, the Respondent No. 13 would have no objection if this writ application is disposed of allowing the construction and functioning of the Primary School on the land donated by



Respondent No. 13 along with his two brothers.

5. The learned counsel appearing for State also agreed with the view point of Respondent No. 13.

6. In light of the submissions made by the learned counsel for the parties as recorded hereinabove and also for the reason that so far as the construction of Primary School is concerned, the same is within the exclusive jurisdiction of the State Government and a decision as to its situs lies within the domain of the State Government, not calling for interference on mere asking, this writ application is being disposed of upholding the construction of the Primary School in the Village-*Rahimpur Goth*, District-*Saharsa* over 22 decimal of land at *Mauja Kadhiya Thana* No.- 134, *Khata* No. 129, *Khesra* No. 2005 donated by *Jai Ram Prasad Singh* (Respondent No. 13) in favour of the Hon'ble Governor of Bihar *vide* Registered Sale Deed No. 2851 dated 13.03.2018 and the order of stay granted *vide* order dated 25.01.2024 stands vacated. It is recorded that the petitioner has claimed a part of the land over which the Primary School has been constructed to be his. This Court has simply noted this claim of the petitioner but refrains



from giving any finding on the same.

7. The writ application is accordingly disposed of, as above. The Interlocutory Application, if any pending, is deemed to have been disposed of.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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