

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2077 of 2025

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Satyajit Kumar Singh Son of Koushlendra Pratap Narayan Singh, Resident of Village Poiwan, Post-Poiwan, PS-Mufassil, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, Govt. Of Bihar, Bihar, Patna.
2. The District Magistrate-cum-Collector, Aurangabad.
3. The Superintending Engineer, Rural Works Department, Aurangabad.
4. The Executive Engineer, Rural Works Department, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Gaurav, Advocate
		Mr. Sheshadri Kumari, Advocate
For the Respondent/s	:	Government Pleader (04)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-06-2026 Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ petition has been filed for the following relief:

(i) For issuance of writ in nature of Mandamus directing the Respondents Authorities to take action on the representation dated 25.09.2024 whereby and whereunder the Petitioner requested to remove the road constructed over the land pertaining to Khata No. 116, Plot No. 676, Thana No. 595, Halka -Poiwan, Mauza - Poiwan, Anchal - Aurangabad, District - Aurangabad which was gifted by the Petitioner's father and uncle vide a gift deed dated



08.10.1982 in favour of Governor of Bihar for construction school only.

(ii) For issuance of a Writ of Mandamus or any other appropriate writ, order, or direction to the Respondents, directing them to immediately remove the unauthorized concrete road constructed on the gifted land, as it is contrary to the purpose of the gift and the safety of the students.

(iii) For issuance of a Writ of Mandamus or any other appropriate writ, order, or direction to the Respondents to reconvey the remaining portion of the gifted land to the descendants of the donor i.e. the Petitioner, as the construction of the road is in clear violation of the terms of the gift and the intent of the donor.

(iv) For issuance of a Writ of Mandamus or any other appropriate writ, order, or direction to the Respondents to reconvey the remaining portion of the gifted land to the descendants of the donor i.e. the Petitioner, as 400 decimals of the lands out 500 decimals of the land remain vacant and unutilized.

v. For issuance of any other writ/writs, order/orders for which the Petitioner deem entitled to.

3. Learned counsel for the petitioner submits that the



petitioner's father and uncle namely, Kaushlendra Pratap Narain Singh and Raghwendra Pratap Narain Singh, respectively, both sons of Shri Thakur Jugal Kishor Narain Singh gifted a very vast piece of land measuring 05 Acres pertaining to Khata No. 116, Plot No. 676, Thana No. 595, Halka – Poiwan, Mauza – Poiwan, Anchal & Dist. – Aurangabad in favour of Hon'ble Governor of Bihar, to establish, construct and start "Thakur Jugal Kishor Narain Singh Unch Vidyalaya at Poiwan in Aurangabad District. As per aforesaid gift deed, the land was only intended to be used for construction and establishment of School including ancillary department namely vegetables, fruit, garden, dairy, poultry, apiary, carpentry, tannery and other necessary department for overall education of the students proposed to be enrolled in the school. And, upon the said Gift Deed, being executed in favour of the Hon'ble Governor of Bihar, the Bihar Secondary Education Office, Budh Marg, Patna, issued a Work Order dated 25.03.1985 for establishing the proposed school namely Anugrah Thakur Yugal Kishore Singh Unch Vidyalaya, Poiwan along with some terms and conditions, and the construction of the school started in the following year.

4. It is the case of the petitioner that the entire land



was gifted in good faith and understanding that it would be used exclusively for educational purpose, a portion of the land was indeed utilized for constructing a school and allied departments, which is in accordance with the donor's wishes. However, the respondents, instead of adhering to the original purpose of the gift deed, have utilized a portion of land for constructing an unauthorized concrete road, measuring 500 ft. x 24 ft. (connecting Poiwan to War), which is in clear violation of the terms of the gift and also violates the intent of the donor. The counsel for the petitioner also submits that a portion of the land was utilized for construction of the road while the remaining part of the land has not been utilized in accordance with the terms of the gift deed.

5. Learned counsel for the State submits that the road, which has been constructed adjacent to the school in question was made in the year 2012 and during that period there were no objections raised by the petitioner with regard to the construction of the road, and today for un-explainable reasons, objections have been raised. It is also mentioned that the road is being utilized by the students and the local villagers residing near-by.

6. At this stage, learned counsel for the petitioner



seeks liberty to file appropriate representation before the District Magistrate-cum-Collector, Aurangabad strictly in consonance with the government guidelines and also as per the terms, which has been recorded in the Gift Deed, which is said to have been violated by the State authorities.

7. Considering the fact that learned counsel for the petitioner proposes to ventilate their grievances by filing representation at appropriate forum. In such event, liberty is restored to the petitioner to file representation or to avail appropriate remedy as available in law.

8. It is made clear that, once such representations are filed, the same shall be adjudicated expeditiously in accordance with law, by the authority concerned.

9. Accordingly, this writ petition stands disposed of.

(Ajit Kumar, J)

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