

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3818 of 2025

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Ankit Raj Son of Arbind Kumar Singh, Resident of Usha Ashiyana, Uttar
Tola, Near Panchayat Bhawan, Ward No.4, Khawaspur, P.S. Pirpainti,
District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Revenue and Land Reforms, Bihar, Patna.
2. The District Magistrate, Bhagalpur (Bihar).
3. The Principal Secretary of Revenue and Land Reforms Department, Patna (Bihar).
4. The District Revenue and Land Reforms Officer, District- Bhagalpur, Bihar.
5. The Additional District Revenue and Land Reforms Officer, District Bhagalpur, Bihar.
6. The Sub Divisional Officer, Kahalgaon, District- Bhagalpur (Bihar).
7. The District Education Officer, Bhagalpur, Bihar.
8. The Circle Officer, Pirpainti, District- Bhagalpur (Bihar).
9. The Halka Karamchari, Block Pirpainti, District- Bhagalpur (Bihar).
10. The Principal, S.R.S. Middle School, Khawaspur Panchayat, Block Pirpainti, District Bhagalpur (Bihar).
11. The Panchayat Secretary, Khawaspur, Panchayat, Block Pirpainti, District- Bhagalpur (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sunita Kumari, Advocate
For the Respondents	:	Mr. P.K. Shahi, Advocate General
		Mr. Vikash Kumar, Advocate
		Mr. Rakesh Ranjan, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-01-2026



This writ petition in the nature of Public Interest Litigation has been filed by the petitioner, Ankit Raj with following prayer(s):-

“That the instant writ application, in the nature of Public Interest Litigation is being prepared by the writ applicant for an appropriate direction upon the respondent authorities to panchayat Khawaspur, Block: Pirpainti, District: Bhagalpur, in the year 1949 dated 22.08.1949 by Sri Mohan Mandal, Sabhapati spread over an area 3 acres, 38 decimals bearing Khata No. 5362, Khesra No. 5552, which is gifted for purpose of educational use and play ground and which land recorded as shown in the Register-II in the name of Middle School, Khawaspur reported by Anchal Adhikari, Pirpainti, District: Bhagalpur, School Code-10222604401 and record of owner of Account No. 2203411294005087 issued by Revenue and Land Reforms, District: Bhagalpur (Bihar).”

2. After issuance of notice, the counter affidavit has been filed on behalf of Respondent Nos. 2, 5, 6 and 8 by one Abhimanyu Kumar, Block Development Officer, Pirpainti wherein in paragraph nos. 10, 11, 12, 13, 14, 15 and 16 it is stated as follows:-

“10. That it is further submitted that there is no dispute over the fact that the said piece of land is recorded in the name of the concerned School and this is also not in dispute that the construction of the said building is being done on the part of the land.

11. That it is further pertinent to state here that the construction of Panchayat Sarkar Bhawan being a Government Scheme was recommended over 0.50 Decimal, part of aforesaid land by the Circle Inspector, Pirpainti.

12. That thereafter the concerned School had also issued No-Objection Certificate on 16.11.2022



making the way clear for the construction of Panchayat Sarkar Bhawan.

13. That it is further submitted and stated that the issuance of No-Objection Certificate by the Headmaster of the School shows and proves that the School had no objection to the construction of Panchayat Sarkar Bhawan over part of its land.

14. That it is submitted and stated that the construction of Panchayat Sarkar Bhawan has been completed to a great extent i.e. upto IInd Story, and remaining work is still going on and on the verge of completion.

15. That it is also worth mentioning that neither the School Administration nor the Public has objection to the construction of Panchayat Sarkar Bhawan.

16. That it is also necessary to bring to the kind notice of the Hon'ble Court that construction of Panchayat Sarkar Bhawan has not affected the playground of the School adversely.”

3. The petitioner has filed supplementary affidavit which is dated 07.10.2025 wherein in paragraph nos. 6, 7 and 8, it is stated as follows:-

“6. That it is humbly submitted that in view of the aforesaid facts and circumstances, the order dated 22/09/2025 passed by this Hon'ble Court has been stated before filing the writ petition, the petitioner and the villagers had informed the Station House Officer[SHO]Aachari on 25/12/2024 to stop the construction, after which the SHO halted the construction; however, after stopping the work, after stopping the work, boring was started again and the construction work for building was commenced.

7. That even before the commencement of the work, the petitioner had always informed the concerned authorities through communication that a plan was being prepared to carry out the construction of a Panchayat Bhawan within the school premisses, which was legally unauthorized. [Is being also annexed in Annexures P/4-5 in this writ petition].

8. That the petitioner had been also submitted through as evidence of video construction of



Panchayat Bhawan legally unauthorized in school campus, than the children will have difficulty in playing and therefore he was informed the concerned authorities about several means, though representation, mail and Video Platform; https://www.facebook.com/Nazaara_24News/videos/through_vide_URL_no._1077508217452179, dated 06/01/2024, vide URL no. 2890347551143653 dated 08/01/2024 and vide URL no. 681632214313237/dated 22/03/2024.”

4. One second supplementary affidavit has also been filed by the petitioner which is dated 12.12.2025, wherein, in paragraph no. 5, it is stated as follows:-

“5. That it is humbly submitted that in view of the aforesaid facts and circumstances, in the light of the order dated 01/12/2025 passed by this Hon'ble Court in the year 1949 dated 22.08.1949 by Sri Mohan Mandal, Sabhapati gifted the land on the condition that it would be used only for school and educational purposes.”

5. As per the previous order dated 01.12.2025 supplementary counter affidavit has been filed on behalf of the Respondent Nos. 2, 5, 6 and 8, wherein, in paragraph nos. 11, 12, 13, 14, 15 and 16 it is stated as follows:-

“11. That with respect to Annexure-P/11 to the writ application, it is submitted and stated that the same is not lease document, rather it is deed of gift which would be evident from the perusal of the said annexure.

12. That it is here also worth mentioning that the concerned deed of gift does not stipulate that the concerned land would be used exclusively only for the educational purpose.

13. That it is stated here that the said document does not put any condition on the otherwise use of the land.

14. That it is further pertinent to state here that



recommendation for construction of the Panchayat Sarkar Bhawan being a Government Scheme, was made only for an area measuring 0.50 decimal one of the total land belonging to school, which is no manner effect either the academic activities or the playground of the school.

15. That it is further pertinent to state here that before taking decision for the construction of Panchayat Bhawan over the said piece of land, the interest of school and students was always kept in mind as one of the priorities.

16. That it is also worth mentioning that neither the school administration nor the public has objection to the construction of Panchayat Bhawan over the said piece of land.”

6. The petitioner has filed reply to such supplementary counter affidavit dated 29.01.2026, wherein, in paragraph no. 6, it is stated as follows:-

“That it is stated that as per rule of registered gift no right to used other purpose, respondents no any right to construct in which land to Panchayat Bhawan.”

7. The crux of the matter is whether the Respondent No. 10, S.R.S. Middle School to whom the land was stated to have been gifted by the petitioner by way of registered deed, he has got the power to give no objection to the State for construction of Panchayat Sarkar Bhawan or not and if so, if there is any deviation, what reliefs can be given to the petitioner, can be adjudicated before the competent court.

8. After perusing the averments taken in the writ petition, the counter affidavits and supplementary affidavits filed by the respective parties, we are of the view that in this



Public Interest Litigation, such issues cannot be adjudicated. It is open to the petitioner to take recourse in accordance with law.

9. Accordingly, the writ petition stands disposed of.

10. Pending I.A., if any, shall also stand disposed of.

(Sangam Kumar Sahoo, CJ)

(Bibek Chaudhuri, J)

guddukr/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2026
Transmission Date	NA

