

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6255 of 2019

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Shanti Devi W/o Raghunath Prasad, R/o Vill. Chhapra Megh, P.S. Mushani in
the district of Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its District Magistrate, Muzaffarpur.
2. The Sub Divisional officer, Muzaffarpur.
3. The Land Reform Deputy collector, East Muzaffarpur.
4. The Circle officer, Muraul, Muzaffarpur.
5. The Secretary, Bihar School Examination Board, Patna.
6. The Additional Chief Secretary, Land Reform, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Sajid Salim Khan, SC-25
For the BSEB	:	Mr. P.K. Shahi, Sr. Advocate
	:	Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-01-2026 Learned counsel for the petitioner prays for and is

allowed to implead the Additional Chief Secretary, Land

Reform, Bihar, Patna as respondent no.6 in course of the day.

2. The present petition has been preferred for the
grant of following relief(s):

*“(i) commanding the respondents to make
free the land of the petitioner bearing Khata No.
50, Plot No.44 and 39 measuring area 20 Kattha
situated under Muraul Anchal, P.S.-Sakra in the
district of Muzaffarpur.*



(ii) also direction be issued against the respondents to hand over the said land to the petitioner in vacant position without any encroachment over the same.

(iii) also for any other relief/reliefs for which petitioner is found entitled in the eye of law.”

3. The petitioner, a lady who wanted to promote the education in the State of Bihar and as such, decided to part away with 20 katthas of her personal land situated in the district of Muzaffarpur with following details: Khata No. 50, Plot No. 39, 44 and area 20 katthas, village Mohammadpur, P.S.-Sakra, District-Muzaffarpur. Accordingly, the said land was donated in the name of His Excellency, the Governor of Bihar on 16.11.1987 though the signature records the date as 09.12.1988.

4. It was a voluntary gift of the land holder and the purpose was for establishing a public school.

5. Three decades later, she moved before this Court alleging that the respondents failed to construct any school on the said land and in that background, the respondents should return the land to her.

6. A counter affidavit has come on behalf of the



District Magistrate, Muzaffarpur according to which pursuant to the filing of the writ petition and the order of this Court, a three member enquiry committee comprising the Additional Collector (departmental enquiry), Muzaffarpur, the Sub-Divisional Magistrate, East, Muzaffarpur and the D.C.L.R., East, Muzaffarpur was constituted on 04.04.2025 and according to the said enquiry report, the land is presently utilized by High School, Mohammadpur which has been operational since the year 1986. It got affiliation in the year 1990, is functioning as a government institution under Bihar Education Department and having received the substantial government grants, the infrastructure development including the classroom, toilet, boundary walls and construction of an outdoor are planned. The contention in the counter affidavit is that the intent of the lady of public education stands fulfilled.

7. The petitioner is not convinced and according to her, the purpose for donating the land was exclusively for establishment of school and not to attach the land with any other school. The further contention is that despite passage of three and half decades and the petitioner's desire to have a school for which such a huge chunk of land was donated in the name of the His Excellency, the Governor of Bihar, the purpose got defeated.



8. Having heard the parties and perusing the records, this Court is of the view that one fact cannot be overlooked that a land was donated way back in the year 1988. The lady's intent was to have a quality school in her district for which she donated 20 katthas of land. In that background, the least that the respondents should have been done was to construct a school preferably for the female child. However, for the reasons best known is thus they failed.

9. This Court cannot further overlook that the District Magistrate, Muzaffarpur constituted an enquiry committee on 04.04.2025 six years after this Court's order passed on 02.04.2019.

10. In that background, with the consent of the parties, this Court allows the petitioner to approach the newly added respondent, the Additional Chief Secretary, the Revenue and Land Reform Department, Bihar, Patna alongwith all the relevant documents who in turn shall look into the matter, hear all the parties including the Education Department and take a decision on the point:

(i) whether the purpose for which the land was handed over to the State Government in the name of His Excellency the Governor of Bihar



38 years ago can be fulfilled even now or not;
(ii) if they do not have any desire to come up
with a new school, the fate of the land donated
by the lady has to be decided.

11. The writ petition is disposed of with the aforesaid
observation.

(Rajiv Roy, J)

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