

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6392 of 2025

Subodh Gopal Bose Bal Vikash Vidyalaya, Kuchwar, Banjari through its Chairman Meghnath Singh, aged about 52 years, Male, Son of Late Ram Pravesh Singh, Resident of Village- Banjari, P.S and District- Rohtas at Sasaram (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram (Bihar).
4. The District Education Officer, Rohtas at Sasaram (Bihar).
5. The District Programme Officer (Establishment), Rohtas at Sasaram (Bihar).
6. The D.C.L.R., Dehri, District- Rohtas at Sasaram (Bihar).
7. The Circle Officer, Rohtas at Sasaram (Bihar).
8. Anand Prasad Ghosh Son of Late Ranada Prasad Ghosh, Legal Practitioner of 38A, G.T Road (N), Howrah, P.O- Howrah, P.S- Golabari, District- Howrah (West Bengal) as receiver of the Estate of Subodh Gopal Bose.
9. Sukhad Jivan Private Limited, through its Director, aged about 42 years, Akbarpur Bazar, Rohtas, P.O, P.S. and District- Rohtas at Sasaram (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brij Bihari Tiwary, Adv.
For the Resp. no. 8	:	Mr. Shivendra Roy, Adv.
For the Resp. no. 9	:	Mr. Gautam Kumar Yadav, Adv.
For the State	:	Ms. Dimpal Kumari, AC to G.P.-11

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 16-06-2026 Heard the parties.

2. The present application has been preferred for the
following reliefs:

i. in the nature of "Mandamus"
directing and commanding the respondent
authorities particularly the Collector, Rohtas



at Sasaram to ensure that functioning of the petitioner's school is not disturbed and further a direction to the DCLR and C.O, Rohtas not to allow the conveyance and not to open the demand and Jamabandi in favour of private respondent no. 9 of the land of the petitioner school.

ii. In the nature of "Certiorari" of setting aside the sale deed No. 1550 dated 20.03.2023 entered into between the private respondent no. 8 and 9 and whereby and whereunder the land situated at Mauza Banjari, Thana No. 609 Circle Rohtas admeasuring 5 Acres and Two four half decimal (524 ½ decimal) has been sold by the respondent to the respondent no. 9 including the land of petitioner school admeasuring 21 & ½ Decimal.

iii. For any other relief/reliefs for which the petitioner may be deemed entitled to.

3. The petitioner claims to be Chairman of the Committee in the name of S.G. Bose Educational Charitable Trust, Banjari, Rohtas.

4. The land details is/are as follows:

Khata No. 100;

Plot No. 12 and 16;

Area 21.5 decimal.



5. As per the writ petition, one Sohrai Ram donated the aforesaid piece of land for establishment of educational institution and the submission of the learned counsel for the petitioner, is that presently, it is running in the name and style of Subodh Gopal Bose Vikas Vidyalaya, Banjari, Rohtas with almost 500 students attending classes from Nursery to class VIII.

6. The submission is that the application preferred before the Circle Officer, Rohtas for mutation of the land was rejected on 26.08.2023 on the ground that the donation paper attached with the application is not a registered one.

7. Aggrieved by the said order, an appeal has been preferred before the Deputy Collector Land Reforms Dehri, Rohtas vide Appeal no. 175 of 2024-25, which according to the learned counsel for the petitioner is pending.

8. The petitioner is however, aggrieved by the fact that simultaneously, the respondent no. 9 who according to the respondents purchased it through the Receiver (respondent-8) appointed by the **Hon'ble Calcutta High Court in P.L.A-88 of 1976 [In the goods of Subodh Gopal Bose (deceased) and Bharti Das Vs. Smt. Geeta Dutta]**.

9. As recorded above, the contention is that on the one



hand, the mutation was denied to the petitioner institution which followed appeal before the DCLR, Dehri, on the other hand, respondent no. 9 has been granted the rent receipt after the mutation was allowed.

10. Learned counsel representing the respondent no. 9 on the other hand submits that the matter was pending before the Hon'ble Calcutta High Court as recorded above, Receiver was appointed, and after the permission granted by the said High Court, the Receiver sold the land to the respondent no. 9 which followed the mutation of the land in question along with the other lands.

11. The submission is that allowing the mutation and/or issuance of rent receipt has to be followed by legal battles in accordance with law and the petitioner has invoked the writ jurisdiction when according to his case, the matter is presently pending before the D.C.L.R, Dehri.

12. Mr. Shivendra Roy represents the respondent no. 8, Anand Prasad Ghosh who was appointed as the Receiver by the Hon'ble Calcutta High Court and the submission is that presently, due to old age, he is not functioning as the Receiver and now stands substituted. However, he supports the contention put forward by the respondent no. 9 that pursuant to the Calcutta



High Court's direction, the Receiver sold the land which followed the mutation.

13. The State respondents have recorded that earlier, the mutation application of the respondent no. 9 was rejected which followed an appeal before the D.C.L.R., Dehri in Mutation Appeal no. 175 of 2024-25, the matter was remanded whereafter, it has been allowed on 12.08.2025. The State respondents have also recorded that because the instrument was not registered, it got rejected and this followed the Mutation Appeal Case No. 175/2024-25 and not 75 of 2024-25 as recorded in the writ petition.

14. This Court has taken note of the entire facts as also the rival submissions. On the one hand, the stand of the petitioner is that he is running a school since 1982 and on the other hand, the stand of the respondent no. 9 duly supported by the respondent no. 8 is/are that pursuant to the orders of the Calcutta High Court, the Receiver sold the land which followed the petition. One claims physical possession over the land and on the other hand, the other is claiming his right on the basis of the purchase that took place following the orders.

15. The said contentious matter can only be adjudicated before a competent Civil Court where the issues



have to be framed, witnesses examined.

16. As himself accepted by the petitioner through its learned counsel, the rejection of the mutation by the Circle Officer, Rohtas already has been challenged before the learned D.C.L.R. Dehri in Appeal no. 175/2024-25 which is presently pending.

17. In that background, instead of keeping the case pending, this Court would allow the petitioner to agitate the matter before the D.C.L.R., Dehri who shall be disposing it of in accordance with law at an earliest, if the same has not been disposed of. Needless to add, ultimately, the route to both the petitioner as also the respondent no. 9 goes towards the competent Civil Court.

18. With the aforesaid observation, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay
Singh/Munindra
Kumar Sahu

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