

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11045 of 2026

Md. Rustam Ali S/o- Md. Eanu, R/o-Vill.-Deogaon, Bharri, P.S.- Kadwa,
Dist. Katihar, Bihar 855105.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna.
4. The Additional Chief Secretary, Panchayati Raj Department, Government of Bihar, Patna.
5. Deputy Director, Panchayati Raj, Purnea Division, Purnea.
6. The District Magistrate, Katihar.
7. The District Panchayati Raj Officer, Katihar.
8. The Sub-Divisional Officer, Katihar.
9. The Block Development Officer, Kadwa, Katihar.
10. The Block Panchayati Raj Officer, Kadwa, Katihar.
11. The Circle Officer, Kadwa, Katihar.
12. The Primary School, Devgaon, Gram-Panchayat- Bharri, P.S. and Block-Kadwa, district- Katihar, through Headmaster.
13. The Panchayat Secretary, Bharri Gram-Panchayat, PO-Bharri, PS and Block- Kadwa, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Mohammad Akhter Hussain, Adv. Mr. Umesh Kumar, Adv. Mr. Shubhankar Raj, Adv. Mr. Prashant Kumar, Adv. Mr. Amartya Raj, Adv.
For the Respondent/s	:	Mr. Government Pleader (5)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2026 Heard Mr. Umesh Kumar, learned counsel for the

petitioner and the State.

2. The present application has been preferred for the
following relief(s):



i) for issuance of writ in the nature of certiorari or any other appropriate writ for quashing the District Magistrate order; Vividh Vaad No.- 51/2026-27; order dated- 12/05/2026, which is arbitrary and contrary to the principles of natural justice, inasmuch as the concerned authority failed to consider the documents and materials duly submitted by the petitioner before passing the said order.

ii) For issuance of writ in the nature of Mandamus or any other appropriate writ for commanding the respondent authorities to demolish the construction of the Government Primary School, Devgaon which has been constructed in the land of petitioner; pertaining to Khata no.-92, Khesra no.-554; Rakba- 34 Dec.; Thana no.- 272; Mauja-Devgaon; without his permission and consent.

iii) For issuance of writ in the nature of mandamus or any other appropriate writ for commanding the respondent authorities to call for the administrative order passed by the concerned authority whereby the administrative order has been passed for construction of the Government Primary School, Devgaon and further be pleased to issue of the writ in the nature of Certiorari to



quash the same.

iv) For issuance of writ in the nature of Mandamus or any other appropriate writ for commanding the respondent authorities to take action including the criminal against the respondent authorities who have ordered to construct the case building of the Primary Govt. School upon the aforesaid land of the petitioner.

v) For issuance of any other appropriate writ, order(s) or direction(s) which your Lordships may deem fit and proper in the facts and circumstances of the case.

3. After some argument, learned counsel for the petitioner submits that he be granted liberty to approach the Competent Civil Court for the redressal of the grievance.

4. Learned State Counsel has no objection.

5. In that background, granting liberty to approach the Competent Civil Court and with an observation that if any petition is filed, it will be taken to its logical conclusion without unnecessary adjournment, the writ petition is disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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