

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12224 of 2023

1. Jagdish Sharma S/o Late Baldev Sharma, Being the Asst Teacher of Rajlakshmi Girls Middle School, Arbanna Chakla, Purnea, (herein after referred as school, in short) Resident of Village Bhatgawa Chakla, P.O. Bhargama via Banmakhi, PS-Bhargama, Dist.- Araria.
2. Arjun Kumar Son of Jagdish Sharma, Being the Headmaster of Rajlakshmi Girls Middle School Arbanna Chakla, P.O. - Maladih, P.S. Barhara Kothi, District Purnea, resident of village Bhatgama Chakla, P.O. Bhatgama, District - Araria.

... .. Petitioners

Versus

1. The State of Bihar Through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department Cum Second Appellate Authority, Public Grievances Redressal Forum, Bihar Patna.
3. The Director, Primary Education, Bihar Patna.
4. The Divisional Commissioner, Purnea.
5. The District Magistrate, Purnea.
6. The Sub-Divisional Magistrate, Dhamdaha, Purnea.
7. The District Public Grievances Redressal Forum Araria.
8. The District Education Officer, Purnea.
9. The District Programme Officer, (Establishment) Purnea.
10. That Block Education Officer, Purnea.
11. .Sujeet Kumar, Headmaster of Middle School Arbama Chakla, PS -B-Kothi, Purnea .

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Jitendra Kumar Roy 1 (Sc 13)
	:	Mr. Jai Prabhat Kishore, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 18-02-2026 Heard learned counsel for the petitioners and learned
counsel for the Respondent-State.

2. The petitioners in the present writ application have
prayed for the grant of following reliefs:-



a) To issue, order/orders, direction/direction, writ/writs in the nature of mandamus commanding upon the respondents to take appropriate action for the release of lands, which was earlier executed by the secretary namely Krishna Deo Yadav, of the Managing comm.. of the school in hand, the form of sale deed No. 8265 dt. 08.10.1974, in the name of Governor, Bihar for the establishment of Raj Lakshmi Girl Middle School, Arbanna Chakla, Purnea, which was encroached by the Respondent No. 11 in collusion with Respondent No. 8 to 10, who played a major role in the said encroachment.

b) To issue an order/orders, direction/directions, writ/writs in the nature of mandamus commanding upon the Respondent No. 6 to dispose the Misc. Case No. 352P/2022, (Annexure 4) pertaining to the encroachment, being filed on 15.06.2022, as early as possible in accordance with Law as the same is found to be pending since last one year.

c) To hold and declare the action of the respondent concerned be malacious, malafide, arbitrary in nature and deprecate the said action in strong words.

d) To issue an order/orders direction/directions, writ/writs in the nature of mandamus commanding respondent concerned to redress the grievances of the petitioner relating to



the said encroachment of the land allotted to the school in hand, pending before the Respondent No. 2, as early as possible in accordance with law.

e) To grant any other relief/reliefs to which these petitioners are found to be entitled for.

3. During the course of the argument, attention of this Court has been drawn to paragraph-15 of the writ application which is quoted hereinbelow for needful:-

“15. That after getting no positive response for the redressal of the grievances as so raised for by the petitioner at the local Administration lands, then the petitioner has left no option to move before the Ld Court of Sub - Divisional Magistrate Dhamdaha, Purnea, (Resp No. 6) by way of filing Miscellaneous Case No. 323(P)/2022 on 15.06.2022.”

4. Learned counsel for the petitioners submits that in view of the fact that for seeking the relief as claimed for in the present writ application, the petitioners have already filed a case before the Court of learned Sub-Divisional Magistrate, Dhamdaha, Purnea in Miscellaneous Case No. 323(P) of 2022 on 15.06.2022, therefore, this case may be disposed of directing the Sub-Divisional Magistrate, Dhamdaha, Purnea to dispose of



the pending case as expeditiously as possible.

5. To the aforesaid submission made by the learned counsel for the petitioners, learned counsel for the Respondent-State has no objection.

6. Considering the limited nature of prayer made by learned counsel for the petitioners, this writ application is disposed of directing the learned Sub-Divisional Magistrate, Dhamdaha, Purnea to dispose of the pending Miscellaneous Case No. 323(P) of 2022 as expeditiously as possible preferably within a period of six months from the date of receipt/production of a copy of this order.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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