

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3437 of 2024

In
Civil Writ Jurisdiction Case No.4903 of 2018

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Kumari Nilmani Sinha, D/O Late Brijnandan Prasad, at present Incharge Headmaster of the Middle School Jalalpur, Noorsarai, District- Nalanda, Bihar, Pin Code- 803113, Adhar No. 5306 6034 6423.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mr. R.K Mahajan, Son of not Known to the petitioner The Principal Secretary, Education Department, Government of Bihar, Patna.
3. Mr. Sanjeev Hans Son of not known to the petitioner The Principal Secretary, Public Health and Engineering Department, Bihar, Patna.
4. Mr. Shashank Shubhankar son of not know to the petitioner The District Magistrate, Nalanda District Nalanda at Bihar Sharif.
5. Mr. Ramashankar Singh Son of not known to the petitioner The Executive Engineer, Public Health and Engineering Department, Nalanda at Bihar Sharif.
6. Mr. Basrat Karim son of not known to the petitioner The Executive Engineer, Rural Development Department, Nalanda at Bihar Sharif.
7. Mr. Raj Kumar Prasad Son of not known to the petitioner The District Education Officer, Nalanda at Bihar Sharif.
8. Mr. Umshankar Singh Son of not known to the petitioner The District Program Officer, Education Nalanda at Bihar Sharif.
9. Mr. Surendra Kumar Singh son of not known to the petitioner The Block Education Officer, Noorsarai Nalanda Bihar.
10. Mr. Mukul Pankaj Mani Son of Not Known to the petitioner the Information officer Collectariate Nalanda at Bihar Sharif.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar, Advocate
For the Opposite Party/s : Mr. AAG-4

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

5 17-01-2026 Heard learned counsel for the parties.

2. The petitioner had earlier preferred a writ



application, being CWJC No. 4903 of 2018, seeking the following relief(s):-

“The present public interest petition has been filed for issuing directions to remove a building named and styled as Pensioner Bhawan which has been constructed within the campus of Middle School, Jalalpur, Noor Sarai, Nalanda as also for removing the tube well in the campus of the school allegedly bored by the Public Health and Engineering Department, Bihar Sharif, Nalanda. A further grievance has been made in the petition that a pond also has been dug in the play ground attached to the school in question by the Rural Development Department, Bihar Sharif, Nalanda.”

3. The said writ application was dismissed by order dated 17.09.2018 with the following observation:-

“6. In view of the Enquiry Report referred to above and taking into account that the school in question is only a make-shift school, over Gair Majarua Aam Land run by the villagers, which has never been taken over by the Government and that the Pensioner Bhawan as well as the tube well having been found located away from the school premises, there is no requirement of issuing any further direction. That apart, the records reveal that the Pensioner Bhawan, which has been built out of the M.L.A. fund serves to be utilised as it is being used for the benefit of retired persons.”

4. After dismissal of the said writ application, a review application, being Civil Review No. 491 of 2018, was preferred. The said review application was disposed of vide order dated 24.07.2019 with the following observation:-

“We are, therefore, not inclined to accept the plea that there is an error apparent on the face of record so as to entertain this review application, but we may observe that in case, there is a dispute with regard to the identity



of the land, the dismissal of the writ petition or this review application will not be an impediment in the passage of the applicant to seek appropriate demarcation with regard to the land in the event it is claimed under the ownership of the school. It will be open to the applicant to move an appropriate application for demarcation of the land which shall be considered and disposed of in accordance with law.”

5. In pursuance to and for compliance with the aforesaid observation made in the review application, the present contempt application has been preferred.

6. A supplementary show cause on behalf of O.P. No. 8 has been filed, wherein at Paragraphs 6, 7, 8, 9 and 10 the following statements have been made:-

“6. That pursuant to order of this Hon’ble Court, the District Education Officer, Nalanda vide letter No. 1410 dated 19.08.2019 directed the Circle Officer, Noorsaraia, Nalanda to submit report after demarcation of the land in question.

7. That the Circle Officer, Noorsaraia vide letter No. 1228 dated 24.08.2019 directed the Anchal Amine, Revenue Karmchari and Secretary, Middle School, Jalalpur for demarcation of land bearing Khata No. 190 and 191, Pot No. 899, Area 0.35 decimals and Plot No. 889, Area 0.15 decimals and submit the report.

8. That it is stated that Anchal Amin, Noorsarai has measured the land in question in presence of Secretary of the School, villagers and Teachers of the School. The Revenue Karmchari stated that the land bearing Plot No. 899 is Malik Gairmazarua and Plot No. 888 is Aam Gairmazarua land. After measurement the Anchal Amine submitted the report alongwith Nazari Map on 03.09.2019.

9. That the Block Education Officer, Noorsarai has submitted the report vide letter No. 296 dated 01.07.2024 before the District Programme Officer, Secondary Education, Nalanda mentioning about the demarcation of land in question. (Annexure B of the



Show Cause).
10. That in view of observation/direction passed by this Hon'ble Court dated 24.07.2019 the demarcation of the said in question has been made and as such the order of this Hon'ble Court has been complied with."

7. In light of the statements, as referred above, and the materials placed on record, we are of the considered view that the directions issued by this Court have been duly complied with and no further order is required to be passed in the present contempt application.

8. Accordingly, the present application stands disposed of.

9. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, J)

(Ritesh Kumar, J)

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