

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5405 of 1999

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Satish Chandra Jha s/o Late Arjun Jha, R/o village, P.O. &P.S. Madhepur, District Madhubani.

.... Petitioner/s

Versus

- 1.The State of Bihar.
- 2.The Collector, Madhubani.
3. The S.D/. cum-President, Vijoy Ashram Jhanjharpur, District Madhubani.
4. The Circle Officer cum-Vice President, Vijoy Ashram Jhanjharpur, District Madhubani.
5. The B.D.O. cum Vice President, Vijoy Ashram Jhanjharpur, District Madhubani.
6. The Bihar Hindu Religious Trust Board, Patna,
Through its Secretary.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Prasad Gupta, Adv.
For the State : Mr. Rai Shivaji Nath, Addl. A.G.III, Sr. Adv.
For the Intervener : Mr. Prafull Chandra Jha, Adv.
For Religious Trust Board : Mr. Ganpati Trivedi, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-04-2015

Heard counsel for the petitioner, for the State, for the Religious Trust Board and for the Intervener.

In the present case, this Court while passing the order date d 12th March 2015 found that Vijoy Ashram is a structure constructed by the local people of the area where two Government Officials were also made Ex-officio President and Vice President, on plot no. 5765 which is Kesare Hind land (land of the Union of India) The Court did not subscribe the idea to allow unauthorized construction without proper approval by the Union of India or by the State Government. An I.A. has been filed by one Vijay Kumar Jha claiming to be the Secretary of the Ashram.

This Court is of the view that the structure standing on the aforesaid plot should not remain in the custody of private person it will be treated

to be building of State of Bihar without having right of individual person and the Management of building will be not under the control of certain individual as the structure is standing on the Government land.

This Court had requested the Additional Advocate General as well as counsel for the Bihar Hindu Religious Trust Board to assist and after due deliberation it emerged that the structure over the land will be treated to be a property of the State of Bihar/Union of India and the administration and management will be run by the Bihar Hindu Religious Trust under the Bihar Hindu Religious Trust Act, the Chairman of the Board will have liberty to constitute a Committee in which the District Magistrate or his nominee will be Ex-officio President of the Committee and the building would serve need of people of the locality without making any discrimination on the basis of class, caste or religion.

In this view of the matter, there is no need to demolish the structure any more and it will be treated to be a Government property and will be under the management and control of the Bihar Hindu Religious Trust Board, as aforesaid.

With the above observation/direction, this petition is disposed of.

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(Shivaji Pandey, J)