

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.44 of 2011

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1. Vikash Singh son of Satish Chandra Singh
 2. Vinay Bahadur Singh Vipin son of Shyam Sunder Singh
 3. Arun Kumar Singh son of Ram Sundar Prasad Singh
 4. Smt. Neelam Devi wife of Vidyanand Singh
 5. Uday Kumar son of Late Chamak Lal Singh

All are residents of village-Sonvarsa Ghat, PS-Chautham, District-Khagaria.

.... Appellant/s

Versus

1. Gulab Singh son of Late Laxmi Singh and Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar

For the Respondent/s : Mr. Ganpati Trivedi, Sr. Adv.

Mr. Chy. Shayam Nandan, Adv.

Mr. Madan Mohan, Adv.

Mr. Vijay Anand, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-11-2015

Heard learned counsel for the appellants and learned
counsel for the respondents.

In the present case, the case of the appellants is that they
have purchased the land from one Pintu Kumar, constructed the
Mandir of deity “Kali” and “Mahavir” in certain part of the said land
and claimed that it is completely a private land/deity, so outsiders do
not have any right to offer Puja as well as interfere with the
management of the temple inasmuch as they should not be allowed to
make any pakka construction and hold any Mela over the land of
Mandir including other land which the appellants are claimed to be

raiyati land whereas the counsel for the private respondents has submitted that though the land was belonging to their ancestral, but they have voluntarily given the land to the Mandir and now it has turned to be a deity of public, so much so, they are conducting Kali Puja and Hanuman Jayanti since 1965 and as such, they should be allowed to conduct the Kali Puja and Hanuman Jayanti in that premises.

The counsel for the Board has submitted that the Board has already initiated a proceeding under section 28 (u) of the Bihar Hindu Religious Act, 1950 and they should be allowed to continue the aforesaid proceeding.

If any order goes against the appellants, they will have liberty to take appropriate steps in the matter. It will be proper to allow the proceeding u/s 28 (u) of the Act to continue. Hence proceeding is stayed during the pendency of suit.

Already a suit has been filed by the plaintiffs-appellants where they have claimed that the land as well as deity is their family deity outsiders do not have any right to interfere therein.

Looking to the facts and circumstances of the case, purpose will be served only allowing public in general including the private respondents to offer Puja to the deity Kali but neither the plaintiffs nor the defendants or any other person will have a right to

make any pakka construction as well as conduct the Mela nor interfere with management during the pendency of the suit.

The dispute effects public, the trial Court is directed to complete the trial within a period of one year from the date of receipt/production of a copy of this order.

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

(Shivaji Pandey, J)

Mahesh/-

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