

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9177 of 2016

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Chhajjubagh Sarbajanin Durga Puja Committee through its General Secretary Sriraj Kumar Bose, son of Late Manoj Kumar Bose, resident of B-4/102, P.R.D.A. Apartment, S.K. Puri, Patna- 800001, P.S.- S.K. Puri, District- Patna

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Building Construction Department, Govt. of Bihar, Patna
3. The Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna
4. The Commissioner, Patna Division, Patna
5. The District Magistrate, Patna
6. The Sr. Superintendent of Police, Patna
7. Secretary, Forest Department, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raghunath Singh, Advocate
Mr. Dinu Kumar, Advocate

For the Respondent/s : Mr. S. D. Yadav, AAG-IX

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

7 16-09-2016 Heard Mr. Raghunath Singh, learned Counsel appearing for the petitioner, and Mr. S.D. Yadav, learned Additional Advocate General No.-IX, appearing on behalf of the State.

2. By way of this Public Interest Litigation, the petitioner seeks directions to the respondents not to remove the structure of Durga Temple located in the premises of P.W.D.

Engineering Club, Budh Marg, Patna and not to cut trees, which is being done without the permission of the Forest Department.

3. In support of the reliefs sought, the petitioner submits that for the last 94 years, the people of Bengali community are celebrating Durga Puja, in Dushhera, at Chhajjubagh Mohalla, on the land where the temple stands. In support of this submission, the petitioner has produced some photographs before us.

4. A counter affidavit has been filed on behalf of respondent No.5 disputing the claim of the petitioner that a temple is located in the premises. With regard to the felling of the trees, learned Additional Advocate General No. IX submits that the same have been done only after permission of the Forest Department with a scheme to plant double the trees in future. Further-more, the land belongs to the Government and the illegal structures are being removed for construction of new building of District Registration-cum-Advisory Centre, Patna.

5. In our view, as the reliefs, sought for, involve some disputed questions of facts, it would not be possible to consider the matter in a Public Interest Litigation.

6. The writ application is, therefore, dismissed with

liberty granted to the petitioner to file civil suit in a civil court of competent jurisdiction, in future, if so advised, and/or to take recourse to such provisions of law as may be permissible.

(I.A. Ansari, CJ.)

(Samarendra Pratap Singh, J.)

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