

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16362 of 2015

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1. Harinandan Yadav @ Hari Bansh Yadav @ Hari Bansh Narayan Yadav son of Muneshwar Yadav
 2. Rajendra Sao son of Late Yamuna Sao
 3. Rambilash Sharma son of Late Kali Sharma All resident of Village- Kanhauli, Tola Dhamaul, P.O. Teus, P.S. Jairampur, District Sheikhpura.

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Collector, District Shiekhpora.
3. The Additional Collector, Sheikhpura.
4. The Sub-Divisional Officer, Sheikhpura Sub- Division, District- Sheikhpura.
5. The Cirlce Officer, Anchal Barbiga, P.S. Barbiga, District- Sheikhpura.
6. The Superintendent of Police, Sheikhpura.
7. The Dy. S.P. Sheikhpura.
8. The Officer-in-charge, Jairampur Police Station, District- Sheikhpura.
9. The Chairman, Religious Trust Board, Bihar, Patna.
10. The Secretary, Religious Trust Board, Bihar, Patna.
11. The Superintendent, Religious Trust Board, Bihar, Patna.
12. The Sub- Registrar, Registry Office, Sheikhpura, District- Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan
For the Respondent State: Mr. D.K. SINHA, AAG 2
For the Respondent Board: Mr. Ganpati Trivedi, Senior Advocate

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 20-07-2016

Heard Mr. Durgesh Nandan, learned Counsel for the petitioners,



and Mr. D.K.Sinha, learned Additional Advocate General No. 2, appearing for the State respondents. Heard also Mr. Ganpati Trivedi, learned Senior Counsel for the Religious Trust Board.

With the help of this writ petition, made under Article 226 of the Constitution of India, in the form of Public Interest Litigation, the petitioners seek directions to be issued to the respondent, Bihar Hindu Religious Trust Board, to remove the encroachment, which has allegedly taken place at Kabir Panthi Math, Tola Dhamaul, village Kanhauli of the district Sheikhpura. As far as the respondent, Religious Trust Board, is concerned, their stand, in the light of the averments made in the counter affidavit, which has been filed in the present writ petition, is that they have already started proceeding against the encroachers.

Having regard to the grievances of the writ petitioners and the materials on record vis-à-vis the averments made in the writ petition, this writ petition is disposed of with directions to the respondent, Bihar Religious Trust Board, and its functionaries, including the Chairman, Secretary and the Superintendent thereof, to enquire into the grievances of the writ petitioners and do the needful in accordance with law.

We, however, make it clear that the land and property of Kabir

Panth Math Tola Dhamaul, village Knhauri, Sheikhpora shall be kept cleared from all encroachment and be preserved in the manner as is required to be done under the law.

In terms of the observations and directions, this writ petition shall stand disposed of.

(I. A. Ansari, ACJ)

(Anjana Mishra, J)

A.I./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2016
Transmission Date	NA