

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22335 of 2013

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Mahanth Rameshwar Das Tyagi @ Rameshwar Das Tyagi, Chela Of Sakalu Das
Alias Narayan Das Tyagi, Pujari Of Ram Janki Mandir Chainpur Village And P.O
Chainpur, P.S. Siswan Distt Siwan.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Home Department Ovt. Of Bihar Patna
3. The District Magistrate-Cum-Collector, Siwan, Distt Siwan
4. The Superintendent of Police Siswan Distt Siwan.
5. The Officer-In-Charge, Siswan Police Station, Distt Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. GANJENDRA KUMAR SINGH

For the Respondent/s : Mr. V.M.K SINHA

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT

Date: 20-10-2016

Heard Mr. Udit Narayan Singh for the petitioner and Mr.

Ashok Ranjan Pandey, AAG-15 for the State.

The petitioner claims himself as the Chela of Late Sakalu
Das @ Narayan DasTyagi, who was Pujari of Ram Janki Mandir,
Chainpur in the district of Siwan.

The writ application raises a grievance that the respondents
have unauthorizedly and quite illegally occupied part of the building of
the temple premises for running the police Outpost of Siswan police
station. Such forceful possession was made in the year 1999. In spite of
his best efforts, the respondents have not vacated the premises and
hence the writ petition for a direction upon the respondents, particularly
the Superintendent of Police, Siwan to remove the occupation of part of
the temple premises forthwith.



The respondents in the counter affidavit have not denied the stand of the petitioner that part of the building in question has been possessed/occupied by the police personnel(s) for running the police Outpost in question. It has, however, been stated that steps for shifting of the Outpost from the temple precinct have been taken inasmuch as the land has been acquired and the construction of the building is likely to commence.

The case was considered on 22.08.2016 when the following order was passed:-

“The counsel for the petitioner and the State are present. From various documents produced by the petitioner as well as the respondents, prima facie, it appears the premises of the temple have been occupied by the State respondent(s) in an unauthorized manner. This occupation continued for more than 15 years.

The writ application prays for a direction upon the State respondent(s) to vacate part/portion of the temple premises from their unauthorized occupation.

In the counter affidavit as well as the supplementary counter affidavit, a stand has been taken that the State respondent(s) have taken steps to acquire land for housing the Chainpur Out Post.

To enable the State Counsel to make a statement with regard to the date by which the temple premises shall be vacated by making alternative arrangement, this Court directs the matter to be listed after 02 weeks.”

Mr. Pandey states that he has already advised the authorities to take steps for immediate shifting of the Outpost from the temple premises. He is, however, unable to make statement as to within what

time the shifting shall be completed. It is stated that only one room and part of the Verandah has remained in occupation/possession of the police personnel(s).

Be that as it may, as there is nothing on record to suggest that part of the temple building was allowed/permitted to be possessed/occupied by the police personnel(s) for running the police Outpost and the same having continued for more than a decade by now which in the eye of law continues as unauthorized occupation/possession of the respondents, this Court, considering the facts and circumstances of the case, directs the respondents to take steps for vacating the part of the temple premises in their possession/occupation within 06 months from the date of receipt/production of a copy of this order before the Superintendent of Police, Siwan and furnish a certificate to this effect to the District Magistrate of the district.

The writ application is disposed of with the aforesaid direction/observation.

(Kishore Kumar Mandal, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	10.2016
Transmission Date	