

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14614 of 2015

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1. Mritunjay Prasad, S/o Late Mishtri Sao, Buddha Marg, Mohalla - Lodipur, P.S. Buddha Colony, Patna 800001
 2. Prakash Sharma, S/o Late Bhagwan Mishtri @ Bhagwan Vishwakarma, Buddha Marg Chauraha, P.S. Gandhi Maidan, Patna -800001
 3. Ganesh Prasad Yadav S/o Late Babu Lal Yadav, Buddha Marg, Mohalla - Lodipur, Jitusah Gali, P.S. Gandhi Maidan, Patna - 800001
 4. Raju Kumar, S/o Late Brijnandan Prasad Yadav, Keshav Lal Road, Mohalla - Lodipur, P.S. Buddha Colony, Patna - 800001
 5. Arjun Mahto, S/o Late Gulab Mahto, Mohalla - Lodipur, P.S. Gandhi Maidan, Patna - 800001
 6. Rambali Yadav, S/o Late Khobari Yadav, Mohalla - Lodipur, P.S. Gandhi Maidan, Patna - 800001
 7. Raj Kumar, S/o Late Kisun Prasad, Buddha Marg, Mohalla - Lodipur, P.S. Gandhi Maidan, Patna - 800001
 8. Bindeshwar Ray, S/o Late Shanti Rai, Mohalla - Lodipur, P.S. Buddha Colony, Patna 800001
 9. Shailendra Kumar Sinha, S/o Late Paras Nath Sinha, Lamla Bhawan, Golghar Park Road, P.S. Gandhi Maidan, Patna 800001
 10. Ram Prakash Gupta, S/o Late Hazari Sao, Buddha Marg, Mitra Pushtakalaya Gali, Mohalla - Lodipur, P.S. Gandhi Maidan, Patna - 800001
 11. Lakshman Kumar, S/o Late Ganga Sah, Buddha Marg, Mohalla - Lodipur, P.S. Gandhi Maidan, Patna - 800001
 12. Lala Prasad, S/o Late Durga Prasad Mohalla - Lodipur, P.S. Buddha Colony, Patna 800001
 13. Rajendra Prasad, S/o Late Shyam Lal Gope, Buddha Marg, Lodipur, P.S. Buddha Colony, Patna - 800001
 14. Ranjeet Kumar, S/o Late Lakshmi Narayan Singh, Laxmi Medico, Lodipur, P.S. Gandhi Maidan, Patna - 800001
 15. Raj Kumar Gupta, S/o Late Rambabu Sah, R/o Buddha Marg, Mohalla - Lodipur, P.S. Gandhi Maidan, Patna 800001
 16. Ramesh Kumar, S/o Late Jitu Mahto, R/o Jitu Sah Gali, Mohalla - Lodipur, P.S. Gandhi Maidan, Patna - 800001



17. Pawan Kishore Pandey, S/o Late Brij Bhushan Pandey, Mohalla - Lodipur,
Buddha Marg, P.S. Gandhi Maidan, Patna 800001

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Old Secretariat Building, Patna
2. The District Magistrate, Patna
3. The Senior Superintendent of Police, Patna
4. Bihar State Religious Trust Board through its Chairman, Vidyapati Marg, Patna PIN 800001
5. The Superintendent, Bihar State Board of Religious Trusts, Vidyapati Marg, Patna PIN 800001
6. The Municipal Commissioner, Patna Municipal Corporation, Maurya Lok Complex, Patna
7. Mitra Pustakalaya Managing Committee through its First Convener Sri Upendra Kumar Mishra, S/o Late Mahant Pancham Das, Mitra Library, Lodipur, P.O. G.P.O., P.S. Gandhi Maidan, Patna
8. Upendra Kumar Mishra, S/o Late Mahant Pancham Das, Mitra Library, Lodipur, P.O. G.P.O., P.S. Gandhi Maidan, Patna

.... Respondent/s

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Appearance :

For the Petitioners : Mr. Chakrapani, Advocate
Mr. Ambuj Nayan Chaubey, Advocate

For the Board : Mr. Shekhar Singh, Advocate

For Respondent No. 8 : Mr. Nawal Kishore Singh, Advocate
Mr. J.N. Tiwari, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)
Date: 27-03-2017



This writ petition in public interest has been filed with regard to a public library said to have been established in the year 1944 by the Mahant of Nanakshahi Panth in the name and style “Mitra Pustakalaya”.

2. Even though the petition has been filed for preserving the physical structure of the library and to prevent it from being destroyed, we are informed that the library is no more in existence. It has been erased to the ground and certain complexes have been constructed in its place. That being so, primarily the lis canvassed by the petitioners now for restoring the library to its original status cannot be granted. However, during the course of hearing it was stated that some more land of the library is available and, therefore, that land should be given to some authority for construction of a library. The question of any land being available and the right to the land is a disputed one, particularly in view of the objection of Respondent Nos. 7 and 8, that apart learned counsel appearing for Respondent No. 8 has even questioned the *bona fide* of the petitioners in ventilating the matter in these proceedings and has alleged *mala fide* against the said respondent.

3. Taking note of the totality of the circumstances, for the present, we are not inclined to interfere into the matter. In case petitioners have any grievance still subsisting, petitioners may take



recourse to the statutory remedy available under the Bihar Hindu Religious Trust Act, 1950 or the common law remedy with regard to any grievance which they still have in the matter.

4. With the aforesaid observation and liberty to the petitioners, we dispose of this writ petition by observing that we have not expressed any opinion with regard to the merit of the rival contention and have left it to the appropriate Court or authority to decide in case any proceedings are initiated by any of the parties.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.03.2017
Transmission Date	

