

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11200 of 2014

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Mahanth Rajendra Das S/o Late Shree Rai, Mahavir Asthan Mahavir Chouk, P.S. -
Dalsing Sarai, Distt - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Bihar Religious Trust Board, Bihar, Patna.
2. The Chairman, Bihar Religious Trust Board, Bihar, Patna.
3. Collector, Samastipur.
4. S.D.O. Dalasing Sarai (Samastipur).
5. P.W.D S.D.O. Dalasing Sarai (Samastipur).
6. Circle Officer, Dalasing Sarai (Samastipur).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Advocate
For the State : Mr. Birju Prasad, GP-13
For the respondents no. 1 and 2 : Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-08-2017

Heard learned counsel for the petitioner, State and

Bihar State Board of Religious Trusts.

2. The petitioner has moved the Court for the

following reliefs:-

*“ That petitioner is filing this
Writ application for issuance direction
specially R.No.6 for giving his land situated
temple(Mahavir Mandir) measure through
Amin and without asking show cause demolish
the temple which is situated 100 years ago and
further direction may be given to provide cost
who illegally demolish the temple ”*

3. In sum and substance the contention of the

petitioner is that the land belonging to the temple which was



registered by the Board has already been demolished under the garb of removing encroachment from the road.

4. In the counter affidavit filed on behalf of the State authorities a categorical statement has been made that the main temple, including the *Garb Grih* has not been touched and only the encroached portion, which was used by the petitioner for his living quarters, has been demolished and that too as per the revenue records, after due spot verification and measurement. In support of the same, revenue map as well as the measurement done has been brought on record to indicate that the area is a road and only to the extent of maintaining the road, as per the revenue map, proceeding had been initiated and encroachment removed.

5. Both learned counsel for the petitioner and learned counsel for the State have shown photographs which clearly indicate that the main temple including the *Garb Grih* is intact, which is the admitted position. Still, learned counsel for the petitioner submitted that the portion which was being used by the petitioner, who is the *Mahanth* of the temple has been demolished.

6. Be that as it may, the Court in its writ jurisdiction is not in a position to adjudicate such fact. Suffice to indicate that from the materials on record and the photographs shown, it is not in dispute that the main temple and the *Garb Grih* is intact.



7. In view thereof, the Court cannot pass any positive order in the present writ petition. However, if the petitioner is aggrieved that the land which legally belongs to the temple has been wrongly demolished by the authorities, it would be open to him to move before the appropriate forum for adjudication of such issue, which is purely based on facts and has to be gone into on the basis of evidence adduced on facts and findings recorded based thereon.

8. Accordingly, the writ petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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