

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6063 of 2015

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Mahanth Shradha Nand Gosai @ Shradha Nand Goswami @ Shardha Bhagat
Chela Tusa Bhagat, Resident of Village- Damodarpur Math, P.O.-
Damodarpur, P.S.- Marhawrrah, District- Saran.

... .. Petitioners

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner, Saran Division at Chapra.
3. The Collector, Saran at Chapra.
4. The Additional Collector, Saran at Chapra.
5. The Sub Divisional Officer, Saran at Chapra.
6. The Circle Officer, Sadar Block, Chapra, At & P.O. & P.S.- Chapra, District- Saran.
7. The Superintendent of Police, Saran at Chapra.
8. The Officer-in-charge, Chapra Mufassil Police Station, Chapra, District- Saran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ved Prakash Srivastva, Adv.
For the Respondent/s : Mr. AC to SC-1.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-09-2017 Heard Mr. Mahesh Narayan Parbat, learned Senior Counsel for the petitioner and learned AC to SC-1 for the respondents.

The present writ application has been filed for a direction to the respondent authorities to provide adequate protection to safeguard the properties of the Lohari Math from illegal encroachment and construction by unauthorized persons on the basis of illegal transaction, specially over the land appertaining to Khata No. 83, Plot No. 3, situated in Village Larhpur, District Saran.



Learned Senior Counsel for the petitioner has drawn the attention of this Court to order dated 09.02.2002, passed in Land Ceiling Appeal No. 13 of 1994, as contained in Annexure-2, by respondent no.3, the Collector, Saran at Chapra, whereby, both sides, who are claiming the land of 'Math' in question, were restrained to alienate the property in question without prior permission of the Collector till the issue of Mahanthship is decided, but it is submitted that the property has been leased out as stated in paragraph no.12 of the petition. Consequently, representation was filed before respondent no.3, the District Magistrate, Saran at Chapra as far as back on 08.05.2013, but no action has been taken. Hence, the present writ application.

Learned AC to SC-1 submits that there is dispute with regard to Mahanthship of the 'Math' in question. Moreover, land ceiling proceeding is also pending with regard to same land.

In the circumstances, it is expected from respondent no.3, the Collector, Saran at Chapra to dispose of the representation of the petitioner dated 08.05.2013 within a period of three months from the date of receipt/production of the copy of this order. Respondent no.3 is further expected to see that the order dated 09.02.2002, passed in Land Ceiling Appeal No. 13 of



1994, as contained in Annexure-2, if it has not been modified by a superior Court, should not be violated by any person, and if it has been violated then needful action should be taken against the concerned person.

Accordingly, with the above observation and direction, the present writ application is disposed of.

It is made clear that this Court has not expressed any opinion with regard to claim of the petitioner or anyone, concerning Mahanthship of the 'Math' in question.

(Dinesh Kumar Singh, J)

Amrendra/-

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