

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17873 of 2016

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Priya Pal Bhikkhu, S/o Man Kumar Chakama, resident of Chakma Temple, Maya Sarovar Area, P.O.- Bodhgaya, P.S.- Bodhgaya, Dist.- Gaya, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Home Secretary, Ministry of Home Affairs, Government of India, New Delhi.
3. The Principal Secretary, Department of Home (Special), Government of Bihar, Patna.
4. The Director General of Police-cum Inspector General of Police, Bihar, Patna.
5. The Deputy Inspector General of Police, Gaya Range, Gaya.
6. The District Magistrate, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Shashi Shekhar Kishore, Advocate
For the State : Mr. S. K. Sharma, AC to AAG-3
For the Respondent No.2: Mr. S. D. Sanjay, Addl. S. G.
Mr. Rajesh Kumar Verma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-04-2017

The petitioner in this public interest litigation seeks a mandamus from this Court that adequate security and safety measures through the Central Agency, like the Central Industrial Security Force, be made available in the Mahabodhi Mahavihar, Bodh Gaya Temple.

Having heard learned counsel for the parties, we are of the considered view that as to what type of security and safety measures should be employed and put it into force in a public place, particularly in a temple, like the one canvassed by the petitioner, is a policy matter to be



considered and decided by the State Government or the Central Government, as the case may be, and the Writ Court is not expected to exercise its extra ordinary jurisdiction and issue a mandamus for enforcing a particular level or system of security arrangement in such a temple.

Finding the issue involved in the matter to be purely a policy matter falls within the domain of the executive of the Government concerned, no indulgence can be granted in the matter. We leave the petitioner to take up the matter before the authority concerned and it would be for the authority concerned to consider the grievance of the petitioner to take such a step as may be permissible in law.

With the aforesaid, finding no case for issuing any mandamus, we dispose of the writ petition.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
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