

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11358 of 2017

=====

Gopal Jha, S/o Late Shri Nav Kant Jha, permanent resident of Village Khamgar, P.S. Tarabari, District- Araria (Bihar) presently Resident of Flat No. 749 Jai Ambey Apartment Mayur Vihar Phase- 3, Delhi- 110096.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Secretariat Building, Patna, Bihar.
2. The State of Jharkhand, through the Chief Secretary Secretariat Building Ranchi, Jharkhand.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate
For the Respondent/s : Mr. Lalit Kishore, Advocate General

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-11-2017

Even though on 08.08.2017 the learned Advocate General was directed to seek instructions and file a counter affidavit indicating what regulative measures can be enforced as prayed for by the petitioner with regard to streamlining the working of the Ghats situated at Sultanganj, District- Bhagalpur in the State of Bihar, we find that primarily the petitioner's grievance is with regard to certain activities in the Baidyanath Dham Temple, Deoghar, Jharkhand and the petitioner after pointing out various aspects of the matter with regard to functioning of the aforesaid temple wants betterment of the Ghats at Sultanganj at Bhagalpur district during the festive



seasons which take place in the Sawan period every year.

As far as the maintenance and activities pertaining to Deoghar Temple is concerned, we are not inclined to interfere into the matter as it falls within the jurisdiction of the State of Jharkhand and it is the High Court of Jharkhand which will have territorial jurisdiction over the issue in question. As far as betterment and providing facilities at Sultanganj Ghat in Bhagalpur district is concerned, having bestowed our anxious consideration with regard to issue in question and after hearing oral submissions made by learned counsel for the petitioner and the learned Advocate General, we are of the considered view that the issue of maintenance and taking preventive action and various aspects pertaining to development of the Sultanganj Ghat is purely an administrative matter within the domain of the State of Bihar and in a writ petition exercising extraordinary jurisdiction under Article 226 of the Constitution, we cannot usurp power of administrative authorities and formulate guidelines or procedure for maintenance of the Ghats and creating facilities for the public at large. These are all matters within the domain of the executive policies making decision of the State Government and we leave it to the State Government to take such steps as are permissible under law for development



of the Ghats and providing facilities to the public at large. In the Public Interest Litigation in the manner filed, finding no mandamus to be issued in the matter, we dispose of the matter with liberty to the petitioner to take up the issue with the authorities of the State Government.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	09.11.2017
Transmission Date	

