

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20278 of 2016

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1. Indrajit Chakma, Son of Arun Chandra Chakma, resident of Maya Sarovar Area, P.O. - Bodh Gaya, District - Gaya.
 2. Sunil Kumar Chakma, sonof Raja Sen Chakma, Resident of Maya Sarovar Area, PO Bodh Gaya, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Home(Special) Department, Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Deputy Inspector General, Magadh Range, Gaya.
6. The Senior Superintendent of Police, Gaya.
7. The Collector, Gaya
8. Union of India through the Home Secretary, New Delhi.
9. The Home Secreaty, Govt. of India, New Delhi.
10. The Central Industrial Securtiy Force through its Inspctor General having its Eastern Sector Head Quarter at Boring Road, Patlputra Colony, Patna.
11. The Inspector General, Eastern Sector, Head Quarter at Boring Road, Patliputra Colony, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gaurav Govind,Advoate

For the Respondent/s : Mr. Lalit Kishore, AG

For the Union of India : Mrs. Nivedita Nirvikar

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-09-2017



This writ petition has been filed in Public Interest and it is the case of the petitioners that Mahabodhi Temple situated in Bodh Gaya within the State of Bihar is a world heritage site, declared by the United Nations Educational Scientific & Cultural Organization (UNESCO). There has been a terrorist attack in the temple and a serial bomb blast took place on 07.07.2013 and thereafter based on recommendation made by the Principal Secretary, Home (Special) Department, vide Annexure-1 dated 09.07.2013 and the survey report submitted by the Senior Commandant, Central Industrial Security Force (CISF), A.S.G., Patna, recommendations have been made for deployment of CISF force for guarding the temple, but as no action was taken, the writ petition in question has been filed in public interest.

The respondents have filed a detailed reply and have indicated that even though there was some report with regard to giving security to the temple by CISF, but after detailed discussion with the National Investigating Agency, consultation with the Govt. of Bihar and the Union of India, various preventive and elaborate security arrangements have been made and all precautionary steps by all concerned have been taken in the matter.

From paragraph-9 onwards of the counter affidavit of respondent nos. 1 to 3 a detailed account has been placed before us



indicating that even though the Bihar Government was willing to pay the cost of deployment of CISF under the administrative control of the Bihar Police but as a policy matter for various administrative reasons this could not be done and now it is indicated that the premises of the temple in question has been surveyed by the Ministry of Home Affairs and the Government of India have taken action in the matter and a detailed affidavit has been filed indicating as to what action and steps have been taken for prevention of such occurrence.

Taking note of the detailed affidavit filed as indicated hereinabove, no further indulgence is called for.

The question as to whether the temple in question should be kept under surveillance by CISF and cost of deployment of the force be paid by the State Government, is an administrative and policy matter to be decided by the experts in the Government and once all these authorities have taken action in the matter, this Court exercising extra-ordinary jurisdiction in Public Interest Litigation does not see any reason to issue any further mandamus or make any indulgence into the matter when the authorities involved are cautious and taking all preventive measures for such occurrence in the future.

Accordingly, finding no case for further interference



into the matter, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.09.2017
Transmission Date	N.A.

