

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16697 of 2015

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1. Prabudh Nagrik Parishad, having its registered office at 93 Laxman Sahay Lane, Gurudrara Road, Gaya through its Convenor Brij Nandan Pathak, S/o Vidya Nandan Pathak, Resident of 93, Laxman Sahaya Lane, Gurudwara Raod, Gaya, Bihar.
 2. Brij Nandan Pathak, S/o Vidya Nandan Pathak, Resident of 93, Laxman Sahaya Lane, Gurudwara Raod, Gaya, Bihar.
 3. Awtar Singh, S/o Late Uttam Singh, Resident of Prabandhak Gurudwara, Nanak Shahi, Devchaura, Near Devghat, Distt- Gaya.
 4. Kanhaiya Lal Mishra, S/o Late Gopal Lal Mishra, Resident of Mohalla- Nauaghadi, P.S.- Vishnupad, Distt- Gaya.
 5. Devendra Kumar Jain, S/o Late Sughan Chand Jain, Resident of Saket, G.B. Raod, Distt- Gaya.
 6. Priya Pal Bhikkhu, S/o Mon Kumar Chakma, Chakma Temple, P.O.+P.S.- Bodhgaya, Distt- Gaya.

.... Petitioner/s

Versus

1. The Union of India through Secretary, Department of Home, Government of India, New Delhi.
2. The Secretary, Department of Home, Government of India, New Delhi.
3. The Secretary, Department of Tourism, Government of India, New Delhi.
4. The Secretary, Urban Development Department, Government of India, New Delhi.
5. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
6. The Principal Secretary, Department of Home, Government of Bihar, Patna.
7. The Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
8. The Principal Secretary, Department of Tourism, Government of Bihar, Patna.
9. The Secretary, Registration, Excise and Liquor Prohibition Department, Government of Bihar.
10. The District Magistrate, Gaya.
11. The Gaya Municipal Corporation through its Municipal Commissioner, Gaya.
12. The Municipal Commissioner, Gaya Municipal Corporation, Gaya.



.... Respondent/s

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Appearance :

For the Petitioners : Mr. Brajesh Kumar, Advocate
For the Respondents No.1 to 4 : Mr. Anjani Kr. Sharan, C.G.C.
For the Respondents No. 5 to 10 : Mr. Himanshu Kumar Akela,
AC to PAAG-2
For the Respondents No.11 & 12 : Mr. Rabindra Kd. Priyadarshi, Adv

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
And
HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 18-01-2017

The petitioners have sought ban of non-vegetarian food items and liquor in Gaya Town and Bodh Gaya being religious places for Hindus and Buddhists respectively.

Admittedly, there is complete prohibition of liquor in the State of Bihar. Therefore, the subsisting grievance is that sale of non-vegetarian food items should be prohibited in Gaya town and Bodh Gaya.

Learned counsel for the petitioners refers to certain towns in different States where the sale of non-vegetarian food is prohibited, but in all these States of which the petitioners make reference, the decision is of the State Government. The Court in exercise of its writ jurisdiction cannot direct that a particular food item should not be sold within the specified area.



We do not find that it is a case which warrants intervention of this Court in writ jurisdiction. The writ application is, thus, dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N.A.F.R.
CAV DATE	N. A.
Uploading Date	20.01.2017
Transmission Date	

