

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12473 of 2017

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Uma Giri Sevasik (Shishya), son of late Shankra Nand Giri (Mahanth) of Kapil Muni Ashram Kapil Dhara Kapileshwar Mahadeo Mandir, Manager and Secretary of Ashram, P.S. Bishnupad, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of Bihar, Bailey Road, Patna (Secretariat) Bihar, Patna
2. The Home Commissioner of Bihar, Old Secretariat of Bihar at Bailey Road, Patna
3. The Home Secretary of Bihar, Old Secretariat at Bailey Road, Patna
4. Director General of Police, Bihar, Patna
5. Inspector General of Magadh Range, Gaya at Gandhi Maidan, Patna
6. Deputy Inspector General of Magadh Range, Gaya at Gaya near Civil Court, Patna
7. The Senior Superintendent of Police, Magadh Range of Gaya District- Gaya
8. The Deputy Superintendent of Police, Vishnupad, Thana at Gaya
9. The Officer Incharge of Police Station Vishnupad Thana at Gaya
10. The Commissioner of Magadh Range of Gaya near Gandhi Maidan, Gaya
11. The District Magistrate, Gaya
12. Sub-Divisional Officer, Gaya
13. The Sub-Divisional Officer at Bodh Gaya
14. The Circle or Block Officer, Chandauti, Gaya
15. The Circle Officer of Bodh Gaya Anchal
16. The Minor Irrigation Department, Chief Engineer, Patna
17. Chief Engineer, Water Resources Department, Patna
18. The District Forest Officer, Gaya
19. The Land Reforms Magistrate, Vikas Bhawan, Bailey Road, Patna
20. Anil Gupta, Secretary of Halwari and relatives of the locality has been captured beside the Kapil Muni Ashram Gaya of Ajatshtru Hotel Mr. Gupta town and Bodh Gaya
21. Name not known, the Criminal and Mohalla people of the locality Madanpur, P.S. Bishunpad, District- Gaya and Criminal of locality.
22. The Union of India through Hotel of France, situated at Bodh Gaya, Gaya
23. The Union of India through Hotel of Japan, situated at Bodh Gaya
24. The Union of India through the Thailand Hotel situated at Bodh Gaya
25. The Temple of Lord Budha situated at Bodh Gaya, Gaya
26. The office Gaya Nagar Nigam Town, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binoy Kumar Sinha-1, Advocate

For the Respondent/s : Mr. MANISH KUMAR-GP4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-08-2017



Inter alia, contending that there is encroachment of land belonging to the authorities of Kapil Muni Ashram in the district of Gaya and in spite of repeated representations made to the District administration and the authorities in the jurisdiction of the District of Gaya nothing has been done, this application has been filed in public interest seeking a writ of mandamus to the authorities for removal of encroachment from the Ashram in question.

Keeping in view the grievance made by the petitioner and the fact that on repeated representations no action has been taken, we direct that on the petitioner's filing a certified copy of this order along with the relevant documents, the Respondent Nos. 14 and 15, the Circle Officers concerned shall register proceedings in accordance with the Bihar Public Land Encroachment Act, hear all concerned and after following due process of law make endeavour to complete the proceedings of removal of encroachment in accordance with law within a period of six months from the date of receipt/production of a copy of this order.

Needless to emphasize that in case there are allegations with regard to encroachment by Government Department, the matter shall be referred by the Circle Officers to the District Magistrate or the Departmental authorities concerned along with their reports and the State Government shall look into the matter of removal of



encroachment, if any from the area in question.

Needless to say that we have not expressed any opinion on the merits of the allegations with regard to encroachment. It is exclusively for the authorities of the Government to take note of the grievance of the petitioner and decide the same in accordance with law by a speaking order.

With the aforesaid observations the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

S.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2017
Transmission Date	

