

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12027 of 2018

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Jitendra Kumar Tiwary @ Bhikham Baba, S/o- Late Keshwa Nand Tiwary,
Resident of Village+P.O.- Aami, District- Saran (Chhapra).

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar
 2. The Chief Secretary, Government of Bihar
 3. The Principal Secretary, Department of Tourism, Government of Bihar
 4. Principal Secretary, Department of Forest, Government of Bihar
 5. President, Bihar State Religious Board of Trust through the Superintendent of Bihar State
- Address:- Vidyapati Marg Trust, Patna- 800001.
6. Superintendent, Stte of Religious Trust Board, Patna, Vidyapati Marg, Patna- 800001.
 7. The D.G.P., Bihar, Patna
 8. I.G. Law & Orders, Bihar, Patna
 9. S.S.P. Chhapra
 10. Commissioner, Saran Division, Chhapra
 11. D.M. Saran at Chhapra
 12. S.D.O. Dighwara, District- Saran
 13. Circle Officer, Dighwara, Saran at Chhapra
 14. Forest Officer, Saran (Chhapra)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Padma Deo Narayan, Advocate
For the State	:	Mr. Lalit Kishore- AG
For BSBRT	:	Mr. Ganpati Trivedi, Sr. Advocate
		Mr. Madan Mohan, Advocate
		Mrs. Pallavi Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 28-06-2018

In the matter of construction, as alleged in the writ petition, in the premises of the Trust in question, the allegation of the petitioner is that trees are being cut and the provisions of the Bihar Hindu Religious Trust Act, 1950 is being violated.

Respondent No. 5 the Statutory Authority has already



taken cognizance of the complaint and has written to the District Magistrate concerned Respondent No. 11 to proceed for taking action with regard to the complaint in accordance with law.

That being so, for the present, interest of justice would be met in case Respondent No. 11 the District Magistrate is directed to look into the matter and in case it is found that the statutory provisions including the Forest Act or any other provision is being violated in construction or felling of the trees, the District Magistrate is directed to proceed in the matter in accordance with law and ensure that no construction take place contrary to the requirement of law and construction is undertaken after obtaining permission from the Statutory Authority, as may be permissible. We expect the District Magistrate to take action within a period of two months from the date of communication of this order ensure that construction and felling of trees take place strictly in accordance with law. Before taking action in the matter the District Magistrate shall also issue notice to the persons concerned who are making the construction, hear them and thereafter proceed in accordance with law.

Till the District Magistrate does not conduct an inquiry as detailed hereinabove, all activities with regard to the



construction in question shall be kept in abeyance.

With the aforesaid, the matter stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

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