

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.256 of 2017

In

Civil Writ Jurisdiction Case No.445 of 2017

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1. The District Magistrate/Chairman, Bodhgaya Temple Management Committee, Bodhgaya.
 2. The Secretary, Bodhgaya Temple Management Committee, Bodhgaya.
 3. Sub-Divisional Officer, Sadar, Gaya.
 4. The State of Bihar through Principal Secretary, Social Welfare Department, Government of Bihar, Patna.

... .. Appellant/s

Versus

Nagendra Kumar, Son of Sri Rajendra Singh, resident of Mohalla- North Krishnapuri, P.S.- Krishnapuri, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ajay Kumar Sharma

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

15 25-06-2018 Heard learned senior counsel, Mr. Lalit Kishore for the appellant, i.e., the Chairman, Bodhgaya Temple Management Committee, Bodhgaya as well as the private-respondent.

Since a title suit has already been filed and application under Order XXXIX, Rule 1 and 2, has also been moved, therefore, there was no occasion for any interim order to be passed by the Learned Single Judge of any kind of interim stay while disposing of the writ application. This kind of order or



observation should have been avoided, especially when the matter was being relegated to another forum and when that forum has all the powers to exercise, based on what may be urged or not urged by the parties.

It is clarified that the impugned order, dated 13.01.2017 anyway would have lost its meaning so far as interim protection is concerned.

Let the court below decide the matter under Order XXXIX, Rule 1 and 2 on its own merit.

The court below will proceed and decide the matter on priority, keeping in mind the fact that confusion, if any, in the order impugned, because of the pendency of the LPA, has been taken care of by today's order.

Appeal stands disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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