

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1421 of 2017

In
Civil Writ Jurisdiction Case No.22335 of 2013

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Rameshwar Das Tyagi (Mahanth) @ Mahanth Rameshwar Das Tyagi Chela
of Sakalu Das @ Narayan Das Tyagi, Pujari of Ram Janki Mandir, Chainpur,
Village P.O.- Chainpur, P.S.- Siswan, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Amir Subhani, the Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. Mahendra Kumar, the District Magistrate-cum- Collector, Siwan, District- Siwan.
4. Saurav Kumar Sah, the Superintendent of Police Siwan, District- Siwan.
5. Ajay Mishra, the Officer-in-Charge, Siwan Police Station, District- Siwan.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishnakant Singh, Advocate
For the Opposite Party/s : Mr. Suman Kumar Jha, AC to AAG- 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 21-02-2019 Heard learned counsel for the parties.

2. The writ Court while disposing of the writ
application passed the following orders:

“Be that as it may, as there is nothing on record to suggest that part of the temple building was allowed/permited to be possessed/occupied by the police personnel(s) for running the police Outpost and the same having continued for more than a decade by now which in the eye of law continues as unauthorized occupation/possession of the respondents, this Court, considering the facts and circumstances of the case, directs the respondents to take steps for



vacating the part of the temple premises in their possession/occupation within 06 months from the date of receipt/production of a copy of this order before the Superintendent of Police, Siwan and furnish a certificate to this effect to the District Magistrate of the district.”

3. Learned counsel for the opposite parties with reference to show-cause, particularly, para 3 to 5 submits that the order of the writ Court has been complied with. For ready reference para 3 to 5 are quoted herein below:

“3. That in reply to the paragraph no.1 of the contempt application, it is stated that the contention is wrong as neither this present opposite party or his predecessor has violated any order passed by the Hon’ble Court in C.W.J.C. No. 22335 of 2013 photo copy of the order passed on 20.10.2016 by the Hon’ble court in which the court had asked the respondents directing to take steps for vacating the part of the temple premises in their possession so that no obstruction is caused to the public in offering Puja in the temple on receipt of the order passed by the Hon’ble Court through legal sanction of District Magistrate in January 2017, the officer-in-charge of Chainpur O.P. and Circle Officer were directed to vacate the front portion of the temple if any being



occupied for the working of Outpost. It is to bring to the kind notice of the Hon'ble Court that Ram Janki Mandir is on the right side of main gate with open space to be used for the public who use to visit temple to offer Puja and the left portion campus was earlier being used for any meeting on some occasions. In front of the main gate there is a path way inside the building to go to the back side of the temple in which there is a room, Verandah and open space. The petitioner lives on the upper story of the building which is connected to the temple. And in compliance of the Hon'ble Court's order now the whole campus has been vacated and all articles paper, appliances including furniture's being used by the O.P. has been shifted to other place.

4. That in reply to para 2 to 5 no comment as the campus has already been vacated by Chainpur O.P.

5. That in reply to the para 5 to 8, it is stated that the contention is wrong. The order dated 20.10.2016 passed by the Hon'ble Court in CWJC 22335 of 2013 Annexure-1 has been complied with and the report of officer-in-charge of Chainpur O.P. is also attached which will show that now the whole campus has been vacated and the OP has been removed from that place."

4. Considering the aforesaid, this Court is not inclined



to proceed any further in the matter. Accordingly, this application stands disposed of. However, liberty shall be available to the petitioner that if he is aggrieved by the decision of the opposite parties he may approach the appropriate forum in accordance with law.

(Anil Kumar Upadhyay, J)

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