

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11793 of 2018

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Sudhir Thakur @ Sudhir Kumar Thakur S/o Vishwanath Thakur Resident of Village- Rambagh, P.S. Mithanpura, District- Muzaffarpur, Chairman, Runner Up Candidate Association, Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Animal Husbandry Department, Government of Bihar, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Officer-cum-Chairman of Gaushala Management Committee, Muzaffarpur.
5. The Secretary, Gaushala Management Committee, Muzaffarpur.
6. The Member of Gaushala Management Committee, Muzaffarpur.
7. Bharat Agrawal S/o late Mrigendra Bhup Agrawal Ex- Secretary Muzaffarpur Gaushala Management Committee, P.S. Mithanpura, District- Muzaffarpur.
8. Kamal Kumar Bothra S/o late Hanuman Mal Bothra Resident of Pankaj Market, Kalahanu Bhawan, Town Muzaffarpur, P.O. Muzaffarpur, H.O.P.S. Muzaffarpur Town, District- Muzaffarpur.
9. Raj Kumar Mittal S/o Ramji Mittal Resident of Mohalla- Jawahar Lal Road, Town Muzaffarpur, P.S. Muzaffarpur town, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate
For the Respondent/s : Mr.Anil Kumar Sinha -GA-1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-01-2020 The petition filed on 25.06.2018 is listed for hearing
for the first time today before the Court.

Heard learned counsel for the petitioner and learned
counsel for the respondents.



Petitioner has prayed for the following relief:

“For issuance of appropriate writ/order/direction commanding the respondent authorities to safeguard the property of Muzaffarpur, Gaushala from unauthorised sale/Destruction/Misuse/unauthorised encroachment and further to maintain the Gaushala, which was established for public purposes from fund contributed by General Public and Managing Committee is not vested with a power to destroy the immovable property rather at best power vested with the Managing Committee to manage and regulate the property and curriculum of Gaushala and use the resources and contribution for upgradation and better management of the institution but ignoring all these aspects Managing Committee in the name of unauthorized encroachment took a decision to sale the property and misuse the power vested with them and when objection was raised then the person having vested interest instituted suit for specific performance and with the active connivance of office bearer said Title Suit No. 355/2011 was allowed to be Decreed in favour of the person having vested interest in respondent no. 9 and thus in such alarming situation it is just and proper that Hon’be Court may issue appropriate direction to safeguard the property, interest and better management of theGaushala.”

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondents to consider



and decide the representation, which the petitioner shall be making afresh within a period of four weeks from today.

Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

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