

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4703 of 2017

Rajesh Yadav son of Sri Basudev Prasad resident of village - Padaria, P.S. -
Magadh University, Dist - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Home Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Urban Development and Housing Department,
Govt. of Bihar, Patna.
4. The Commissioner Income Tax Department, Union of India, Patna.
5. The Director General of Police, Govt. of Bihar, Patna.
6. The Divisional Commissioner, Magadh Division, Gaya.
7. The District Magistrate, Gaya.
8. The Sub-Registrar, Registration, Gaya.
9. Executive Officer, Nagar Panchayat, Bodh Gaya.
10. The Secretary Bodh Gaya Temple Management Committee, Bodh Gaya.
11. Circle Officer, Bodh Gaya.
12. Officer in Charge Bodhgaya Police Station, Bodhgaya.
13. Monk-In-charge Myanmar Temple, Bodhgaya.
14. Monk-In-charge Dai Jokyo Temple, Bodhgaya.
15. Monk-In-charge Daie Jokyo Temple, Bodhgaya.
16. Monk-In-charge Vietnam Temple, Bodhgaya.
17. Monk-In-charge Royal Thai Temple, Bodhgaya.
18. Monk-In-charge Holland Temple, Bodhgaya.
19. Monk-In-charge Srilanka Mahabodhi Temple, Bodhgaya.
20. Monk-In-charge Taiban Temple, Bodhgaya.
21. Monk-In-charge Wat Paknam Bakraur, Bodhgaya.
22. Monk-In-charge Bhootan Temple, Bodhgaya.
23. Monk-In-charge Vatpa Thai Temple, Bodhgaya.
24. Monk-In-charge Tregar Karmapa Monastery, Bodhgaya.
25. Monk-In-charge Thai Magadh Temple, Bodhgaya. null null
26. Monk-In-charge Cambodia Temple, Bodhgaya. null null
27. Monk-In-charge Bodhgaya Bana Vihar Mediation Center, Katorwa Road,
Bodhgaya.
28. Monk-In-charge Ramayabhumi Budha Vihar, Myanmar, Bodhgaya.
29. Monk-In-Charge Wath Thai Magadh Buddhist Thai, Mahuabad, Bodhgaya.
30. Monk-In-Charge Mjhima Sukha Foundation Myanmar, Bodhgaya.



31. Monk-In-charge Ratna Bodhi Vihar, Root Institute Road Bodhgaya.
32. Monk-In-charge Myanmar Buddhis Academic Center, Mahuabad, Bodhgaya.
33. Monk-In-charge Khuwa Boonchoom Bodhgaya Temple, Myanmar, Mastipur, Bodhgaya.
34. Monk-In-Charge Bodhi Raja Monastery, Musti, Bodhgaya.
35. Monk-In-charge Old Burmese Vihar, Pachhatti, Bodhgaya.
36. Monk-In-charge Mahabodhi Mediation Center Myanmar, Sujata Bypass Road, Bodhgaya.
37. Monk-In-Charge, Wat Pa Mujalin Vihar.
38. Monk-In-Charge Kuan IM Monastery Thai, Bodhgaya.
39. Monk-In-Charge Anatta Mediation Monastery, Myanmar, Bodhgaya.
40. Monk-In-Charge Amatta Mediation Monastery Myanmar, Bodhgaya.
41. Monk-In-Charge Mahabodhi Parahita Myanmar Vihar, Bodhgaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bibhuti Narayan
For the Respondent/s : Mr.Prabhat Kumar Verma-Aag3

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

13 17-02-2020 Petitioner has prayed for the following relief:-

"That this is an application for issuance of writ in the nature of PUBLIC INTEREST LITIGATION for giving a direction to take suitable action and restraint the respondent no. 13 to 41 and others to used and utilize their respective maths and monastries in commercial use and further for giving a direction to make an enquiry and to take action against the illegal construction of Maths and monasteries of resp. no. 13 to 41 and others which have been constructed in violation of Municipal Act and Building Bye laws and further for giving direction to make implementation of the order and direction passed by the State Government in its Review meeting dated 01.07.2016, and any other relief/s which this Hon'ble Court may deem fit and proper in the fact and circumstances in the present case."



Having considered the affidavit filed by respondents, at this point of time, no other further order is required to be passed.

We are convinced with the action taken by the authorities as reflected in the affidavit.

Prior to the filing of the instant petition, petitioner did not carry out any ground work, in what manner the construction raised by the private respondent nos. 13 to 41 is illegal and in what manner, the Monastries/Maths are functioning in an unauthorized and illegal manner, cannot be inferred from the record. Petitioner contends that such places are not open and the general public is not welcome to stay there in.

Well Monastries have their own rules and regulations allowing certain persons to stay in a particular manner and discipline.

From the record, it cannot be inferred that as to whether, action of such organizations are violative of any of the bye-laws manually and otherwise.

Bodh-Gaya is an international tourist destination and considering the importance and significance of the place, private respondents have been allowed to set up Monastries/Maths to facilitate housing of citizens visiting from the respective



countries, who have established such Monastries.

As such we close the present proceeding, still further granting liberty to the petitioner to invite specific instances of violation of any of the statutory Rules and Regulations to the notice of the authority concerned.

We are hopeful that as and when, such request is received, the same shall be considered and decided in accordance with law.

The present petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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