

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2164 of 2020

Sri Sri 108 Baba Bhuteshwar Nath Mahadev Mandir, Bari Khanjarpur, Bhagalpur, through its Sevayat Sah Sachiv, Krishna Kumar Yadav @ Krishan Kumar Yadav, aged about- 45 years, Male, Son of Late Siddhu Yadav, Resident of Badi Khanjarpur, Survey Ward No. 3 (New Municipal Ward No. 25), Kali Gope Lane, P.S.- Barari, District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. District Magistrate, Bhagalpur.
5. Land Acquisition Officer Cum Additional Collector, Bhagalpur.
6. Deputy Collector, Land Reforms, Bhagalpur, District- Bhagalpur.
7. Sub Divisional Officer, Sadar-cum- Officiating Chairman, Religious Trust Land, Bhagalpur, District- Bhagalpur.
8. Executive Engineer, Local Area Engineering Organization, Works Division No. 1, Bhagalpur.
9. Nagar Ayukta, Bhagalpur Nagar Nigam, Bhagalpur.
10. Circle Officer, Jagdishpur Anchal, District -Bhagalpur.
11. Circle Officer, Nathnagar Anchal, District- Bhagalpur.
12. Anchal Amin, namely, Sri Satish Kumar Raut, Anchal Jagdishpur, District- Bhagalpur.
13. Anchal Amin, Anchal Nathnagar, District- Bhagalpur.
14. Principal, J.L.N.M.C.H., Bhagalpur.
15. Superintendent, J.L.N.M.C.H., Bhagalpur.
16. Secretary, Inland Waterways Authority of India, Ministry of Shipping, Government of India, Office situated at NOIDA, Sector No 13, Uttar Pradesh.
17. Bihar State Board of Religious Trust, through its Chairman, Office situated at Vidyapati Marg, Patna.
18. Gopal Prasad Yadav, (Sub Inspector of Police, Bhagalpur), Son of Sadho Gope, Resident of Bari Khanjarpur, Survey Ward No. 4 (Present Municipal Ward No. 26), P.S. - Barari, District- Bhagalpur.
19. Subodh Yadav, (Driver at Animal Husbandry Department, Bhagalpur), Son of Sadho Gope, Resident of Bari Khanjarpur, Survey Ward No. 4 (Present Municipal Ward No. 26), P.S. Barari, District- Bhagalpur.
20. Awadh Kumar Dubey, Son of Late Pramod Kumar Dubey, Resident of Mohalla- Bari Khanjarpur, P.S.- Barari, District- Bhagalpur.



21. Nityanand Jha, Son of Late Suresh Jha, Resident of Mohalla- Bari Khanjarpur, Ward No. 3, P.S.- Barari, District- Bhagalpur.
22. Sadanand Jha, Son of Late Suresh Jha, Resident of Mohalla- Bari Khanjarpur, Ward No. 3, P.S.- Barari, District- Bhagalpur.
23. Kritya Nand Jha, Son of Late Suresh Jha, Resident of Mohalla- Bari Khanjarpur, Ward No. 3, P.S.- Barari, District- Bhagalpur.
24. Buchhar Mahant @ Bijay Mandal, Son of Jichcho Mandal, Resident of Mohalla- Jhauwa Koti, Bari Khanjarpur, Ward No. 3, P.S. - Barari, District- Bhagalpur.
25. Dasrath Yadav, Son of not known to the petitioner, Resident of Mohalla- Jhauwa Kothi, Bari Khanjarpur, Ward No. 3, P.S.- Barari, District- Bhagalpur.
26. Bachchu Mandal, Son of not known, Resident of Koiri Tola, Khanjarpur, Ward No. 4, P.S.- Barari, District- Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner : Mr. Ajay Kumar Jha, Advocate
For the Respondents : Mr. Rishi Raj Sinha, SC-19
Mr. Saurabh Kumar, S.C. to S.C. 19

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

(Per: HONOURABLE THE CHIEF JUSTICE)

2 31-01-2020 Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:

“(i) For issuance of writ in the nature of Public Interest or any other appropriate writ(s), order(s), direction(s) commanding and directing the respondents to take action against the encroachers who encroached the lands of Sri Sri 108 Baba Bhuteshwarnath Mahadev Mandir, Bari Khanjarpur, Bhagalpur (a Religious Trust



registered under Bihar State Board of Religious Trust, Patna vide Registration No. 4325/2014) therefore a public land, situated in the Bhagalpur and get the lands free from encroachment so that the landed property of the said Mandir may smoothly be managed and developmental work of the Mandir may be carried out.

(ii) To issue writ of mandamus to the respondent concerned to provide other facilities of government scheme and work after getting the entire lands of the Mandir free from encroachment such as construction of boundary wall of the Mandir and to construct approaching road and other items.

(iii) And/or pass such other order or orders as deem fit and proper in the interest of justice.”

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 petitioner's request, not only the one which the petitioner has already made, but also the one which the petitioner would be making afresh within a period of four weeks from today.

Learned counsel for the respondents states that as and when any such fresh request is received, the same shall be



considered and decided in accordance with law, with reasonable dispatch, and positively within a period of four months thereof.

We clarify that all issues are left open, and only hope and expect that the decision shall be taken at the earliest.

The petition stands disposed of in the aforesaid terms.

(Sanjay Karol, CJ)

(Mohit Kumar Shah, J)

P.K.P./-

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