

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2165 of 2021

1. Ashok Upadhyaya, the President of District Unit of Vishwa Hindu Parishad Sheohar, Office at Bajar Road, Sonu Babu Ka Park, Sheohar, District-Sheohar, Bihar.
2. Rajesh Thakur, S/o Hans Lal Thakur, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.
3. Gonour Ram, S/o Chhathu Ram, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.
4. Sanjeet Kumar, S/o Raja Ram Rai, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.
5. Rakesh Kumar Singh, S/o Shailendra Kumar Singh, the Secretary of District Unit, Vishwa Hindu Parishad Sheohar, Office at Bajar Road, Sonu Babu Ka Park, Sheohar, District-Sheohar, Bihar.
6. Chitranjan Rai, S/o Raj Bansi Rai, Resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.
7. Girija Nandan Prasad Singh, S/o Late Narayan Rai, Treasurer cum Cashier of District Unit, Vishwa Hindu Parishad Sheohar, Office at Bajar Road, Sonu Babu Ka Park, Sheohar, District-Sheohar, Bihar, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar, Pin Code-843329.
8. Sunil Kumar, S/o Lakshmi Narayan Rai, Resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Home Commissioner, Government of Bihar, Old Secretariat, Patna.
3. The Director General of Police, Department of Home/Police, Government of Bihar, Old Secretariat, Patna.
4. The Commissioner, Tirhut Division Muzaffarpur, Bihar.
5. The Inspector General of Police, Tirhut Range, Muzaffarpur.
6. The District Magistrate, District-Sheohar, Bihar.
7. The Superintendent of Police, District-Sheohar, Bihar.
8. The Sub-Divisional Officer, Sub-Division-Sheohar, District-Sheohar, Bihar.
9. The S.H.O. Police Station, Tariani, District-Sheohar, Bihar.
10. The Block Development Officer, Block-Tariani, District-Sheohar, Bihar.
11. Md. Mojim Minya, S/o Late Islam Minya, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.
12. Md. Hajarat, S/o Md. Tauhid, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.
13. Md. Naushad, S/o Md. Jabbar Minya, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.



14. Md. Ful Sharif, S/o Md. Emtekhar Minya, resident of Village-Kasturia, P.O.-Kasturia, P.S.-Tariani, District-Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw, Advocate

For the Respondent/s : Mr. P.K. Verma AAG-3

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-06-2021

Heard learned counsel for the parties.

Petitioners have prayed for the following relief(s).

(a) For a direction to the respondents for not to allow the private respondents to build/erect a masjid in the village Kasturia, P.O. Kasturia, P.S. Tariani, District-Sheohar in the plot bearing plot no. 1039, Khata No. 276 having area of 9 Decimil as well as connecting plot bearing Plot No. 1040, Khata No. 204 having area of 5 decimil respectively. The boundary of the land in question is as follows:-

*North- Raslim Minyan, South- Public Road,
East- Public Road, West- Md. Mujim Minya and others.*

(b) For a direction to stop the erection work permanently in view of for maintaining public peace and communal Harmony.

(c) For issuance of any other writ/writs, order/orders, direction/directions in the ends of justice.”

After the matter was heard for some time, learned counsel for the petitioners, under instructions, state that petitioners shall be content if a direction is issued to the authority concerned to consider and decide the representation which the petitioners shall be filing within a period of four



weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioners shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of three months from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(d) Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law;



(e) We are hopeful that as and when petitioners take 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;

(f) Liberty reserved to the petitioners to approach the Court, if the need so rises subsequently on the same and subsequent cause of action;

(g) We have not expressed any opinion on merits.
All issues are left open;

(h) The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

