

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17469 of 2021

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Pritam Singh, aged about 53 years, male, S/O Late Balmiki Prasad Singh
Resident of Bekapur, Munger, P.O. and District- Munger - 811201.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Bihar, Patna.
2. The District Magistrate, Munger.
3. The Superintendent of Police, Munger.
4. The Civil Surgeon, Munger.
5. The Sub- Divisional Officer, Munger.
6. The Circle Officer, Munger.
7. The S.H.O., Kotwali, Munger.
8. Municipal Commissioner, Municipal Corporation, Munger.
9. The Chairman Municipal Corporation Munger.
10. Executive Engineer, Building Construction Department Munger.
11. The Sub - Registrar, Munger.
12. The Vice President, Bihar State Disaster Management Authority, Patna, Bihar.
13. The District Planning Officer cum District Disaster Management Officer, Munger.
14. The Bihar State Religious Trust Board through its Secretary, Patna.
15. Smt. Chanda Kumari W/O Dr. Sanjeev Kumar Resident of Lal Kothi Badi Bazar, P.S. - Kotwali, District- Munger.
16. Dr. Sanjeev Kumar S/O Murlidhar Pandit Resident of Lal Kothi Badi Bazar, P.S. - Kotwali, District- Munger.
17. Sri Sushil Kumar Khemka S/O Lt. Mohan Khemka Resident of Shankar Vastralaya, Bekapur, P.S. - Kotwali, District- Munger.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Sinha, Adv.
For the Respondents : Mr. Asif Kalim, AC to AAG-12

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER



(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 09-05-2022 The petitioner has filed the writ application to stop the construction activities started by Respondent Nos. 15 and 16 over an area of 10.358 decimal of land situated in Mouza-Khubudichak, Anchal-Munger, in the District of Munger. He is also seeking a direction to the Authorities to set up an enquiry as to how the land of the trust, namely, *Chando Devi Smirit Bhavan Trust* and *Belpatta Dharamshala* dedicated for the use of public purpose for marriage and accommodation has been illegally transferred by some of its trustees, namely, respondent No.7, consequently changing the nature of the land and property to the disadvantage of general public of locality and town. The petitioner wants this Court, in exercise of writ jurisdiction under Article 226 of the Constitution of India, to cancel the *Kewala*/sale deed executed in favour of Respondent Nos.15 and 16 as, according to the petitioner, the same has been done illegally only by few trustees and against the provisions of law as according to the petitioner a trust property, dedicated to general public, cannot be transferred for a private use. The petitioner is also seeking a direction to the concerned respondents to reconstruct the *Dharamshala* and restore its position so that the General public may continue to be benefited



as before.

2. We are dismayed to notice the nature of relief which the petitioner is seeking mainly against Respondent Nos. 15 and 16 on the basis of the facts alleged in the writ petition. The petitioner himself is unaware about the nature of the trust. He has not furnished even the details of the property said to have been transferred by the sale deed in question. Learned counsel for the petitioner has contended that petitioner does not have any idea about the nature of the trust created in respect of the said property. It is stated in paragraph 11 of the writ petition that the people of the locality learnt that the *Dharamshala* was demolished and the land was illegally sold to private Respondent Nos. 15 and 16 who were constructing nursing home in violation of all the laws.

3. We are totally dissatisfied with the manner in which the writ application has been filed challenging the validity of a sale deed in a proceeding under Article 226 of the Constitution of India that too with half baked vague materials. The main grievance of the petitioner is against the private respondent Nos. 15, 16 and 17. The writ petition, in our view, is frivolous, lacks *bona fide* and deserves to be dismissed with cost.

4. This application is, accordingly, dismissed with a



cost of Rs. 5,000/- (Five Thousand) to be deposited in the account of Bihar State Legal Services Authority within one month from today.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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