

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8604 of 2023

=====

Devi Mai Ki Kutia (Motinagar Bheriya Suara) Through its president Sri Ravindra Kumar Singh @ Rabindra Singh RS/o Late Raghuvir Singh R/O Village Manaura P.O Khairahan P.S- Dehri-on-son District- Rohtash.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary Bihar at Patna.
2. District Magistrate, Rohtash.
3. Administrator, Bihar State Board of Religious Trust Vidyapati Marg Patna.
4. Sub-Divisional Magistrate, Dehri-on-Sone at Rohtash.
5. District Land Acquisition Officer, Rohtash at Sasaram.
6. Circle Officer, Dehri-on-Sone at Rohtash District Rohtash.
7. Circle Officer, Karahgar, District- Rohtash.
8. Sri Kanhaiya Ram (Ex- Mukhiya) Son of Chandra Bansh Ram Resident of Village Sakhra P.O- Khairhan P.S- Dihri District- Rohtash.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC 9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

3 24-06-2023 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s) :-

*“(i) That for issuance of appropriate writ
order or direction of writ in the nature of
mandamus commanding the respondent to remove
encroachment from the land of the petitioner*



encroached by the private persons for which the Superintendent of Bihar State Board of Religious Trust reported to the Sub-Divisional Magistrate Dihri Rohtash by his letter No.309 dated 25.05.10, & the Circle officer by its letter No.628 dated 07.08.14 requested with the officer-in-charge Dihri to register FIR against the land grabbers but no action was taken by the officer-in-charge Dihri.

(ii) That for issuance of appropriate writ order or direction of writ in the nature of mandamus commanding the respondent to investigate the defalcation of Rupees Twenty Five Lakh allocated by the state of Bihar under MNREGA Scheme for the development of 12 Pond (Barah Talab) digested by the Mukhiya Sri Kanhaiya Ram & withdrawn total amount by producing fake Documents without developing the Ponds.

(iii) That for issuance of appropriate writ/order/direction or writ in the nature of mandamus commanding the District Land Acquisition Officer Rohtash at Sasaram [respondents No.5] to release/reimburse Rs.17,23622/ in favour of the petitioner since the state had acquired 485 Square Meter land from Plot No.1378 Khata No.65 stands in the name of the petitioner (deity) acquired for construction of National Highway but the respondent No.5 District Land Acquisition Officer Rohtash at Sasaram had not paid any farthing to the petitioner (deity) which



will be used for the development of the Temple under the supervision of respondent No.2 (Bihar State Board of Religious Trust) & the supervision of member of trust for the purpose of development of Temple. (iv) That the respondent No.6 be directed to remove the encroachment from Kali Maa ki Temple appertains to Khata-No. 212 under Plot No.942 Under Thana No.164 Mauza Suara P.S- Dihri District Rohtash & further remove the encroachment from Shiv Jee Temple from Khata No.211 Plot No. 511 under Thana No.164 Mauza Suara P.S- Dihri District Rohtash, since illegally grabbed/encroached by Sri Mahendra Pratap Singh & Arvind Singh both sons of Sri Chandradeep Singh as such respondent No.5 may kindly be directed to initiate a Encroachment proceeding in order to free the land appertains to God Kali Maa & Shankar Ji ka Temple & further remove encroachment from Plot No.704, 710, under Khata No.211 Sarvsadharan Anabad Bihar Sarkar & 696, 699 Under Khata No.31.

(v) That for grant of any after relief or reliefs to which the petitioner be fund entitled in law be granted to them.”

3. The case of the petitioner trust created under section 29 of The Bihar Hindu Religious Trusts Act, 1950 is to the effect that the public land of the temple in question has been encroached. There is further allegation that the amount of Rs. 25



lacs allocated by the government for the construction of a pond near the temple under scheme of the government has been defalcated and further that the amount of compensation on account of 485 sq meters of land of the temple having been acquired has also not been paid by the District Land Acquisition officer to the deity.

4. Having heard learned counsel for the parties and having perused the material on record, the Court is of the opinion that alternate and efficacious remedy is available to the petitioner under different Acts like The Bihar Public Land Encroachment Act, 1956, The Land Acquisition Laws and the Criminal Procedure Code.

5. In the opinion of the Court, in the facts of the instant case, a public interest litigation is not maintainable.

6. There being no merit in the instant application, the same is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Prakash/-

U			
---	--	--	--

