

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7999 of 2023

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Sudama Kumar, Son of Mangal Chand, Resident of Pachhatti, P.S.-Bodhgaya,
Dist-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Patna.
2. The Home Secretary Govt. of Bihar, Patna.
3. The Managing Director Bridge Construction Corporation, Patna.
4. The District Magistrate Gaya Cum Chairman Bodhgaya Temple
Management Committee, Bodhgaya Gaya.
5. The Executive Engineer Bridge Construction Corporation Division, Gaya.
6. The Secretary Bodhgaya Temple Management Committee, Bodhgaya.
7. Executive Officer Nagar Parishad Bodhgaya Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Shubham, Advocate
For Respondent No. 3	:	Mr. Lalit Kishore, Sr. Advocate
		Ms. Binita Singh, Advocate
For Respondent 6 & 7	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Manish Kumar, GP-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-06-2023

The petitioner is before this Court for the second time



alleging that the Bodhgaya Temple Management Committee is carrying out an illegal construction within the 100 meters radius of the World Heritage Site declared by the UNESCO in the year 2001; a protected monument and an archaeological site. It is also alleged that the construction is made in complete violation of the provisions of the Bihar Building Bye-Laws, 2014 and the Bihar Municipal Act, 2007. It is further alleged that the construction is without the sanction from the Bodhgaya Nagar Parishad.

The earlier petition was disposed of by Annexure-1 judgment wherein the relief extracted is the very same relief sought for in the present writ petition. The Division Bench on the earlier occasion found that the petition is bereft of any material particulars and there is only a bald allegation that the Bodhgaya Temple Management Committee is making a construction in and around the Bodhgaya Temple. The writ petition was disposed of reserving liberty to the petitioner to take up the matter before the appropriate authority. The petitioner in the present writ petition submits that he had taken up the matter by way of a representation produced at Annexure-2 before the 4th respondent. The 7th respondent by Annexure-2/A had requested the 6th respondent to provide a sanctioned map of



the Bodhgaya Temple which was supplied by Annexure-3.

Nothing further was done in the matter is the contention.

It is trite law that there cannot be repeated petitions filed for the very same relief before the High Court; even when it is in public interest, especially by the very same petitioner. Furthermore, the present writ petition suffers from the very same defects pointed out in Annexure-1 judgment. The petitioner in the memorandum has waxed eloquent about the history of the temple, but however, it is bereft of any material particulars, as to the construction or the violations alleged. Specific reference has been made to the violation of the provisions of the Bye-Laws of 2014 and the Act of 2007; but no specific provision is pointed out. Even the declaration of the temple as a protected monument and archaeological site is not substantiated by any material. Neither the Archaeological Department which has declared the site to be a protected monument nor the Nagar Parishad; who it is alleged has not issued sanction, also has not been impleaded. But for the mere assertion that the construction is illegal there is absolutely nothing pleaded or produced before this Court to entertain the writ petition as a Public Interest Litigation.

We find no reason to entertain the writ petition and



dismiss the same *in limine*.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Anushka/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	23.06.2023
Transmission Date	

