

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9859 of 2023**

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Veena Devi Wife of Shri Raj Kumar Poddar, Ward No. 22, Paijabapar,  
P.O.and P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the District Magistrate, Patna.
2. The Bihar State Board of Religious Trusts, Vidyapati Marg, Patna through its Chairman
3. The Principal Secretary, Department of Tourism, Bihar at Patna.
4. The Additional Secretary, Department of Tourism, Bihar at Patna.
5. The Senior Superintendent of Police (SSP), Patna.
6. The Sub-Divisional Officer, Barh.
7. The Superintendent of Police (Rural), Patna.
8. Nagar Parishad, Barh, Through its Chairman
9. The Circle Officer, Barh.
10. The Temple Trust Committee of Shri Umanath Temple, Through its Secretary, Barh.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Aalekh Anand, Advocate  
For the Respondent/s : Mr. P.K. Verma, AAG 3

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)**

**Date : 18-07-2023**

Heard learned counsel for the parties.

2. The instant application has been filed in the nature of a public interest litigation by the petitioner who claims to be a public spirited citizen of the country having no direct or indirect interest in the subject matter of the case praying therein for the following relief(s) :



*“I. That the present writ application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Mandamus for a direction to the concerned respondents particularly to the respondent nos. 1 and 9 to remove the illegal encroachment from the land which belongs to Shri Umanath Temple, Barh;*

*II. That the present public interest litigation application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Mandamus for a direction to the concerned respondents to properly manage the funds of the aforesaid temple and to do away with severe financial irregularities which is taking place;*

*III. That the present public interest litigation application is being filed for issuance of an appropriate writ order/ direction(s) in the nature of Mandamus to the concerned respondents for beautification and maintenance of the structure and premises of the said temple as the same is an important religious place for the local population;*

*IV. And for issuance of any other relief or relief(s) for which the petitioner is entitled for.”*

3. On perusal of the record it transpires that the petitioner had earlier moved this Court by filing C.W.J.C. no. 19606 of 2018 which was disposed of by order dated 6.1.2020. The order is extracted herein below.



*“06-01-2020                      The petition filed on 29.09.2018 is listed for hearing for the first time today before the Court.*

*Heard learned counsel for the petitioner and learned counsel for the respondents.*

*Petitioner has prayed for the following reliefs:*

*“(i) For issuance of an appropriate writ, order, direction in the nature of mandamus for a direction to the concerned respondents particularly to the respondent nos. 1 and 9 to remove the illegal encroachment from the land which belongs to Shri Umanath Temple, Barh.*

*(ii) For issuance of an appropriate writ, order, direction in the nature of mandamus for a direction to the concerned respondents to properly manage the funds of the aforesaid temple and to do away with severe financial irregularities which is taking place;*

*(iii) For issuance of an appropriate writ, order, direction in the nature of mandamus to the concerned respondents for beautification and maintenance of the structure and premises of the said temple as the same is an important religious place for the local population;*

*(iv) And for issuance of any other relief or relief(s) for which the petitioner is entitled*



*for."*

*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 the representation, which the petitioner shall be making afresh within a period of four weeks from today.*

*Learned counsel for the State states that upon receipt of such request, if any, the same shall be dealt with in accordance with law, expeditiously and positively within a period of three months from the date of receipt thereof.*

*Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.*

*We are hopeful that as and when petitioner takes 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.*

*The petition stands disposed of in the aforesaid terms."*

4. On perusal of the record it transpires that although the earlier writ application (C.W.J.C no. 19606 of 2018) which was filed for similar reliefs as in the instant case was disposed of by order dated 6.1.2020, once again this case has been filed for



identical reliefs.

5. In the opinion of this Court, in case the directions contained in the order dated 6.1.2020 were not complied with, the option available to the petitioner was to file an appropriate application for initiating a proceeding for contempt and not a fresh writ application.

6. In view of the facts and circumstances stated herein above, the instant application is not maintainable and the same is dismissed.

**(K. Vinod Chandran, CJ)**

**( Partha Sarthy, J)**

Prakash/-

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