

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17019 of 2019

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Ajay Kumar Singh, Son of Late Braj Bhushan Prasad Singh, Resident of Village- Chapar (Jorawar), Post Office- Chapar, Police Station- Mohiuddin Nagar, District- Samastipur, Mobile No. 9431035954.

... .. Petitioner/s

Versus

1. The Union of India Through Secretary, Railway Board, Government of India, Ministry of Railway, Rail Bhawan, Raisina Road, New Delhi- 110001.
2. The General Manager, Zonal Office, Hajipur, East Central Railway, New G.M. Building, Dighi Kalan, Hajipur, District- Vaishali, Pin No. 844101.
3. The Divisional Railway Manager, Sonapur Division, Sonapur, Pin No. 841101.
4. The Station Master, Vidyapati Nagar, Railway Station, District- Samastipur, Pin No. 848503.

.....Respondents Ist Set

5. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
6. The Principal Secretary, Rural Development Department, Government of Bihar, Patna.
7. The Principal Secretary Panchayati Raj Department, Government of Bihar, Patna.
8. The Secretary, Bihar State Religious Trust Board, Patna.
9. The Managing Director, Bihar State Tourism Development Limited, Birchand Patel Path, Patna- 800001.
10. The Secretary, Tourism Department, Government of Bihar, Patna.
11. The Secretary-cum- Commissioner MANREGA, Government of Bihar, Patna.
12. The Commissioner, Darbhanga Division, Darbhanga, PIN No. 846001.
13. The District Magistrate, Samastipur, PIN No. 848101.
14. The Sub- Divisional Officer, Dalsing Sarai, District- Samastipur, Pin No. 848114.
15. The Land Reforms Deputy Collector, Dalsing Sarai, District- Samastipur, Pin No. 848114.
16. The Circle Officer, Vidyapati Nagar, District- Samastipur, Pin No. 848503.
17. The Block Development Officer, Vidyapati Nagar, District- Samastipur, Pin No. 848503.
18. The Ministry of Culture, Government of India.

..... Respondents IInd Set

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate
For the Respondent/s : Mr.Ajay (GA-5)



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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-05-2023

The Public Interest Litigation has been filed to direct the respondents to enquire into the Government Schemes which are misappropriated by the respondent IInd Set in the name of religion at Vidyapati Nagar Block under Samastipur District and for direction to protect Government funds which are illegally misused by the authorities and further for removal of encroachments from the land of Respondents Ist Set, which is encroached by the Respondents IInd Set. The Respondents Ist Set are the Railways and its officials and the respondents IInd Set are the State Government and its officials. We see from the order dated 26.08.2019 itself that the Division Bench found that the dispute of land encroached by State, raised vis-a-vis the Railway Administration would be settled by themselves. In a subsequent order on 11.12.2020, the learned counsel for the Railways on bringing to the notice of this Court that there has been large encroachment of public land and building there was a direction to the Commissioner, Darbhanga Division as also the District Magistrate, Samastipur to file their personal affidavits.



Today also before us, the learned Standing counsel for the Railways raised the issue of encroachment to their properties. We are of the opinion that the Railways cannot raise the issue of encroachment on their property in a Public Interest Litigation. It is not as if the Railways do not have the wherewithal to take appropriate proceedings for removal of encroachment and execute it, in accordance with law. There is no public interest discernible which could be agitated by a third party in so far as the Railway lands are concerned.

The further prayer is for enquiring into the alleged financial defalcation of Vidyapati Dham Uzna Mahadev Temple, Samastipur. At the outset, it has to be noticed that the said entity has not been impleaded. Despite that, there is an Intervenor Application filed by the person who is the President of the Vidyapati Mandir Vikash Samiti, Vidyapati Dham. It is specifically alleged in the Intervenor Application that the Dham is being managed by a Samiti of which the Intervenor is the President. It is alleged that even at an earlier point the petitioner had obtained an interim order in the writ petition without the junction of the Samati who is in management; directing the Bihar State Religious Trust Board or the District Magistrate to take over the temple for administering it. Obviously, it is a



dispute in the management of the Committee for which the petitioner would have to institute a suit and not agitate the cause before this Court, that too styling it as public interest.

We do not find any reason to keep the matter pending and dismiss the same.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	11.05.2023
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