

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18198 of 2022

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Ramanand Singh @ Ramanand Sharma, Son of Shri Sudarshan Sharma,
Resident of Village- Baikatpur, Lala Toli, P.S. Khushrupur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reform Department Govt. of Bihar, Patna.
3. The Secretary, Bihar State Board of Religious Trust, Patna.
4. The District Magistrate, Patna.
5. The Senior Superintendent of Police, Patna.
6. The Sub-Divisional Magistrate, Patna City.
7. The Dy. Superintendent of Police, Fathua, Patna.
8. The Circle Officer, Khushrupur, Patna.
9. The S.H.O. Khushrupur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saroj Kumar Sharma, Advocate

For the Respondent/s : Mr.Raj Kishore Roy (GP-18)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-05-2023

The petitioner is concerned with the illegal construction/
encroachment over a plot which is mentioned as Aam Rasta of



Holy Gauri Shankar Baikunthnath Temple in the Khatiyani bearing Khata No. 842, Khesra No. 1992, RAKBA- 45 decimal. According to the petitioner, this creates obstacles to the devotees to have free access to the temple and to carry out worship. It is also prayed that a report may be called for as to the condition and status of the holy and historic temple as also to preserve the right of the aforementioned religious denomination. The petitioner on the above reliefs, purportedly in public interest, has filed the above writ petition.

We specifically queried as to on whom the management of the temple is vested with. The learned counsel for the petitioner could not answer it, but he admits that there is somebody in the management of the temple, who has not been impleaded herein. It is also very pertinent that none of the encroachers are also impleaded in the writ petition. But, for the statement regarding the history of the temple and the allegation that local vendors have encroached into the pathway leading to the temple, there is nothing produced to substantiate the same. We also notice that earlier another Division Bench had directed appropriate action to be taken by the District Magistrate. There is a counter affidavit filed in that respect, which has been placed on record. It is specifically averred in the counter affidavit dated



02.03.2023 that the encroachments had been removed on 27.02.2023 in the presence of the Officer In-Charge, Khusrupur Police Station, as per the order-sheet in Encroachment Case No. 09/2022-23. As far as the Plot No. 1996 under Khata No. 842 area-6 decimal, it is averred that the earlier Circle Officer, Khusrupur has considered the issue based on an order in CWJC No.6800/2019 wherein a private party was sought to be removed by the petitioner therein. The learned Single Judge vide order dated 04.04.2019 directed the Circle Officer, Khushrupur, Patna to consider the application or complaint filed by the petitioner after giving adequate opportunity of hearing to all concerned parties within a period of five months. Specific reference was made to the Bihar Public Land Encroachment Act, 1956 based on which the proceedings were to be carried out. The Circle Officer found that Jamabandi No. 375 was existing in the name of Sri Tara Panda from 1985-86 and revenue receipts are also issued to the said party who was having possession of the said land. There is a complex issue of right and title for which appropriate action has to be taken by the temple, if they claim title to the said land, now in the possession of a 3rd party.

We find that the petitioner cannot seek any remedy



in so far as the said land is concerned, especially in a Public Interest Litigation. We find no reason to keep the writ petition pending and dismiss the same.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2023
Transmission Date	

