

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3014 of 2024

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Amvika Prasad Son of Late Ramagya Prasad Resident of Mohalla -Ward No. 14, Marwari Mohalla, Narkatiaganj P.S.-Shikarpur, Distt.-West Champaran

... .. Petitioner/s

Versus

1. Bihar State Religious Trust Board Vidyapati Marg, Patna through its Chairman.
2. Chairman, Bihar State Religious Trust Board, Vidyapati Marg, Patna.
3. Sub Divisional Officer, Narkatiaganj, West Champaran.
4. Vishwanath Prasad Jhunjunwala, Trustee, Shri Satyanarayan Bhagwan Temple, Lal Bazar, Near Power House, P.S.-Bettiah, Distt- West Champaran.
5. Pt. Satyanarayan Shukla Son of Late Suryabali Shukla, Self Styled Priest Cum Manager Shri Satyanarayan Bhagwan Temple, Mukhiya ji Chowk, Narkatiaganj, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. Ganpati Trivedi, Sr. Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-02-2024

The petitioner has filed two separate writ petitions as Public Interest Litigation, on the very same subject matter. In **C.W.J.C. No. 14444 of 2022** titled as **Amvika Prasad v. President, Bihar Rajya Dharmik Nyas Parishad**, the Division Bench noticed the contention of the



State's Counsel that the petition is misconceived, raises disputed questions of fact and is not in public interest. After hearing the matter for some time, the Court was not inclined to entertain the writ petition since the learned Judges did not agree with the submissions made by the learned counsel for the petitioner. A representation was directed to be considered.

2. A representation was considered by the Bihar State Religious Trust Board, since the claim raised was with respect to a temple.

3. One another writ petition was filed being C.W.J.C. No. 5869 of 2023, wherein this Court had specifically dealt with the averments and found that the petitioner cannot be permitted to bypass the civil remedies. The prayer in that suit was also interference to Title Suit No. 303 of 2018, which prayer has been repeated in the present case. Repeatedly, the petitioner is here seeking same remedy despite this Court turning him away twice.

4. The prayer in C.W.J.C. No. 5869 of 2023 was to interfere with a status quo order passed in Title Suit No. 303



of 2018. It was also found that the petitioner was seeking to agitate his private interest, since the very claim was that he was a tenant in the premises of a temple; which temple was the subject matter of the Title Suit. The Division Bench dismissed the Public Interest Litigation finding it to be a glaring example of abuse of PIL jurisdiction.

5. Now again a PIL is filed seeking a 'certiorari' dismissing the 'Title Suit' (sic); which prayer itself is misconceived and reveals a wrong and incorrect understanding of the nature and scope of prerogative writs. Further as was observed in the earlier instance it is an abuse of process of law especially attempting to agitate a private cause styling it to be of public interest.

6. We are of the opinion that exemplary costs should be imposed on the petitioner.

7. We impose a cost of Rs.50,000/- on the petitioner which shall be paid to the Bihar State Legal Services Authority. The petitioner shall pay the said amount within a period of one month, and if not, the Bihar State Legal Services Authority shall be entitled to proceed for recovery by taking measures similar to recovery of arrears



due on land through the District Magistrate, in which event the petitioner shall be liable for the charges incurred for making such recovery, which have to be recovered and remitted to the State.

8. The writ petition stands dismissed with exemplary costs as above.

9. A certified copy of this judgment shall be made available to the Member Secretary, Bihar Legal Services Authority.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27-02-2024
Transmission Date	

