

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2100 of 2024

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Dhrub Narayan Lal Karn @ Dhrub Narayan Karn Son of Bishawmbhar Lal Karn, Resident of Village and P.O.- Taraiya, P.S. - Saharghat, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Principal Secretary, Department of Land and Revenue, Old Secretariat, Government of Bihar, Patna.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The Collector, Madhubani.
6. The Sub-Divisional Officer, Madhubani.
7. The Circle Officer, Rahika(Madhubani), District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ugranath Mallick, Advocate
For the Respondent/s	:	Mr. Standing Counsel 04
		Mr. Upendra P. Singh, AC to SC-4
For the Intervenor	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Dev Kumar Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-07-2024

The petitioner claiming to be the Secretary of a political party, has approached this Court with the above writ petition as a public interest litigant claiming action by the Government of Bihar under Section 45-B of the Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus



Land) Act, 1961. The petitioner's contention is that Section 45-B has been amended by the Government of Bihar which should facilitate distribution of 11 acres 99 decimals to the 24 beneficiaries belonging to the Mahadalit community. The petitioner has also made averments to the effect that the 11 acres 99 decimals is comprised in a total of 15 acres 85.5 decimals, is said to have been belonging to one Mahanth Awadh Krishna Das, which acquisition stood cancelled as per Annexure-2. The District Collector is said to have moved against the said lands which orders were challenged by the owner of the land which is alternatively stated to be in possession of Mahanth Awadh Krishna Das and Mahant Ratneshwar Das, who are said to be claimants to the mahanthship of a Math. The petitioner seeks further action by the District Collector insofar as the distribution of the said land belonging to the Math and the Mahanth, without either of them in the party array.

2. The Mahanths above referred have filed an Interlocutory Application No.1 of 2024, the averments in which are clearer as to the ownership of the lands. The lands are said to be belonging to a religious trust called the Sri Ram Janaki Mandir, Gangasagar Asthal Trust, Bhowara in



Madhubani District, the trust deed of which is produced as Annexure-R8-9/A. The religious trust is said to have acquired that status with hereditary nature of succession to the office of Mahanth through a compromise arrived at between the parties in Title Suit No.64 of 1954 before the 2nd Additional Judge, Darbhanga. This was challenged before the Bihar State Board of Hindu Religious Trust, Patna, wherein again a compromise was entered into in 1958, wherein certain extent of property was held to be that of a temple trust to be controlled and managed under the superintendence of the Board, while certain other extents were considered as personal properties of the entire family of the plaintiffs. The compromise petition filed was in the title suit and is produced at Annexure-R8-9/B.

3. The affidavit accompanying the petition also indicates that two ceiling cases were initiated with respect to the land and properties of the reigning Mahanth and an area of 239.76 acres were declared as surplus land. The notification issued under Section 15(1) of the Act by 1961 was challenged before this Court which set aside the impugned notification and remanded the matter back to the Collector in C.W.J.C. No.712 of 1992. The matter was then proceeded afresh.



4. The petitioner who has filed the above public interest litigation had earlier filed C.W.J.C. No.16251 of 2014 as a party litigant, which was rejected by this Court finding no legal right with respect to the land in question. The petitioner herein is also said to have moved the Bihar Religious Trust Board to remove the second intervening petitioner from the office on the basis of frivolous allegations and asking for a direction to mutate the land and properties of the trust in the name of the deities of the temple. The Board, by order dated 03.11.2021, appointed a temporary trustee which is challenged as C.W.J.C. No.2624 of 2021, pending before this Court.

5. Based on the above facts, we find the petitioner has not approached this Court with clean hands. The petitioner has also not thought it fit to implead the persons against whom allegations are being raised in the writ petition; which is a deliberate attempt at suppression, to get orders behind the back of the persons against whom allegations are raised and whose properties are sought to be distributed to land-less people.

6. Distribution of surplus lands to land-less persons is definitely a laudable object but the same has to be



carried out in a legal manner. Further, there can be no public interest claimed unless the lands are found to be surplus and despite such a finding, the Government is not distributing the same to land-less persons. We have to notice from the affidavit accompanying the intervening applications that steps were taken and the same is challenged by the intervening applicants, who assert ownership over such land.

7. Pertinent also is the fact that Section 45-B of the Act of 1961 has been repealed by Act 18 of 2016 dated 02.09.2016

8. We also have noticed that the petitioner had approached this Court as a party litigant and he was found to have no legal right. The petitioner again attempts to raise the very same question as a public interest litigant. We find the present attempt to be more a publicity induced litigation than in public interest. The petitioner has not impleaded the necessary parties and suppressed material facts within his knowledge making the present petition an abuse of process of law. The petitioner has come to this Court with unclean hands.

9. We impose a cost of Rs. 10,000/- (ten thousand) on the petitioner, payable to the Bihar State Legal Services Authority. The said amount will have to be paid



within a period of two weeks, failing which the Bihar State Legal Services Authority will 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 also be liable for the charges incurred for making such recovery, which have to be recovered by the State.

10. Let a copy of this judgment be transmitted to the Member Secretary, Bihar State Legal Services Authority.

11. In the context of our having referred to the affidavit accompanying the intervening applications, we deem it fit that the intervening applications be allowed and the parties should be shown in the party array as additional respondents.

12. The writ petition stands dismissed with costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	30.07.2024
Transmission Date	

