

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1395 of 2025

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Santosh Kumar Singh Son of Late Chandrashekhar Prasad Singh @ Chandra Shekhar Singh, R/o-Village- Chamtha-01, Ward No. 04, Chhotukhut Deeh, Post- Chamtha, P.S- Bachhwara, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Additional Chief Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
3. The Director General of Police (D.G.P), Bihar, Patna.
4. The Commissioner, Munger Division, Munger.
5. The Inspector General, Munger Division, Munger.
6. The Collector, District- Begusarai.
7. The Sub-Divisional Officer, Teghra, District- Begusarai.
8. The Block Development Officer, Bachhwara, District- Begusarai.
9. The Circle Officer, Bachhwara, District- Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Kant, Advocate
	:	Ms. Karnika, Advocate
	:	Mr. Sudhanshu Prakash, Advocate
	:	Mr. Vaibhaw Kumar Jha, Advocate
	:	Mr. Subhash Kumar Tiwari, Advocate
	:	Mr. Amit Kumar, Advocate
For the State	:	Mr. Government Pleader (04)
	:	Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 30-03-2026 Heard Mr. Chandra Kant, learned counsel for the petitioner and Mr. Manoj Kumar, learned AC to GP-4 representing the State.

2. The present petition has been preferred for the grant of following relief(s):

“for issuance of an appropriate writ in the



nature of MANDAMUS or any other appropriate writ/writs, order/orders, command/commands for directing the respondents to stop the construction of toilets on the land of private charitable Trust given by the ancestor of the petitioner bearing Mauza-Chamtha, Thana No. 63, Khata No. 748, Khesra No. 1831 for the purposes of religious rites and rituals perform. There is a temple of Maharani Durga Jee situated at the aforesaid land.”

3. The petitioner claims that the ‘Mukhiya’ of the Gram Panchayat, Chamtha, Mr. Sanjay Das, Mr. Ashok Paswan, Secretary of Gram Panchayat, Chamtha-01 with Durga Puja Samiti Members, Mr. Dharendra Kumar Singh, Secretary, Mr. Nagendra Prasad Singh, Sachiv and Mr. Gauri Shankar Singh, Cashier have decided to construct toilet in the temple premises having land details as follows:

“Khata No. 748, Khesra No. 1831, under Circle-Bachwara, district-Begusarai.”

4. The case is that the Committee Members can only organize Durga Puja and cannot decide on the construction of the toilet. In this regard, detailed representation was filed but



since the respondents failed to act, the writ petition.

5. The further submission is that he is an ex-Secretary of the Temple and the new committee members are taking illegal decisions which include the construction of toilet in the temple premises degrading its sanctity. The submission is that however, now the toilet has been constructed, the authorities have not ensured anything about its maintenance.

6. Learned State counsel on the other hand has taken this Court to the counter affidavit filed on behalf of the respondent nos. 6 to 9 duly put on affidavit by the Circle Officer, Bachwara, Begusarai with specific reference of paragraph nos. 5 to 9 which read as follows:

“5. That so far relief as prayed in Para No. 1 of the writ petition is concerned it is submitted that the President of Durga Puja Samiti of Chamtha wrote an application to the Block Development Officer Bachhawara regarding construction of public toilet within the campus of Durga Asthan in Ward No. 3 under Chamtha-1 Panchayat.

6. The Block Development Officer Bachhawara wrote a letter to the Circle Officer



Bachhawara to make available land for Community Swakshata Campus in the light of Letter No. 445 dated 31-07-2024 of the DDC Begusarai. The Circle Officer Bachhawara vide Letter No. 2683 dated 18-12-2024 intimated the Block Development Officer Bachhawara that the land of Khesra No. 1831 is Gair Majarua Khash and Jamabandi No. 799 is running in the name of Maharani Durga Jee Maharani and after getting no objection certificate from the Committee of Maharani Durga Jee, Community Swakshata Campus may be constructed.

7. That in view of the consent of the Durga Puja Samiti toilet has been constructed over the land in question for the general people who came there on several religious functions.

8. That the President Durga Puja Samiti and several other villagers has submitted a representation before the District Magistrate Begusarai and copy of this representation was also served to the SDO Teghra, the BDO Bachhawara & the Circle Officer Bachhawara



wherein they have mentioned that the Ex-Landlord has settled the land measuring an area 4 Bigha 1 Katha in the name of Maharani Jee and accordingly Jamabandi was created in its name. Elected member of Durga Puja Samiti is doing Puja-Path in this Mandir since 1922.

9. That the fact stated above it is clear that Durga Puja Samiti as Elected by the Villagers managing the Mandir of Maharani Jee and accordingly as per their no objection toilets has been constructed.”

7. He further submits that being an ex-Secretary of the Committee, the petitioner is only putting spoke on the wheels of the development of the temple. The submission is that there was a pending demand of the locals for construction of the toilet for the benefits of devotees which was presented through the committee as the women devotees were facing great difficulty. The committee accordingly made request to the State respondents which led to the construction of the toilet. It is 35 feet away from the temple and not on its main entrance part rather on its side which in no way affects its sanctity.

8. The last submission is that though the petitioner



has made allegation against committee members as also the then Block Development Officer, surprisingly, none of them have been made party respondents in the present case to defend himself/themselves. He has specifically taken this Court to the paragraph no.6 of the writ petition to show that each and every member of the committee and the officer of the State have been named in the said paragraph with allegations but the list of respondents shows that none of them have been made party respondents. In that background alone, the writ petition is fit to be dismissed on merit as also due to non-joinder of the necessary party respondents.

9. In support of his contention, learned State counsel has taken this Court to the case of **Moresnar Yadaorao Mahajan vs. the Vyankatesh Sitaram Bhedi (D) thr. Lrs. and Others** reported in **2022 SCC Online SC 1307** with specific reference to paragraph no. 17 which read as follows:

“17. This Court, in the case of Mumbai International Airport Private Limited (supra), has observed thus:

"15. A "necessary party" is a person who ought to have been joined as a party and in whose absence no effective decree could be



passed at all by the court. If a "necessary party" is not impleaded, the suit itself is liable to be dismissed. A "proper party" is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance."

10. This Court has heard the parties at length and have also perused the affidavits. The counter affidavit of the State respondents clearly show that the locals through the committee represented before the Collector, Begusarai for the construction of the toilet whereafter under 'Swakshta Mission', decision was taken to construct toilet. The photograph attached to the



supplementary counter affidavit clearly show that it is on the side of the temple and definitely away from it with a road bifurcating both the structures.

11. As recorded above, the petitioner is an ex-Secretary of the Temple, instead of appreciating the efforts taken by the committee for the construction of toilets specially for the women/children, he is disturbing it. Long pending demand of the toilet was taken note of the respondents after a proper committee serving the temple made the request and the affidavit shows that it has already been constructed.

12. So far as the maintenance part of the toilet is concerned, as the committee members have not been impleaded as party respondents in the case, the Court is unable to give any direction to them. However, the Court expects that now the toilet has been constructed on the request of the committee, it is their duty to keep it neat and clean, is regularly maintained and hygiene should be the top priority as those visiting the temples are devotees. This Court has seen the photograph and can only add that if a wall is created three feet away from the toilet towards the temple side, it will protect the dignity of those using it and will also vanish the toilet from the temple side.

13. So far as the writ petition is concerned, it is



misconceived filed by disgruntled element (ex-Secretary of the Committee). Leveling allegations against the committee members without impleading them as party respondents clearly show he has invoked the writ jurisdiction of Patna High Court with ulterior motives.

14. In that background, the writ petition is dismissed with a cost of Rs.1,000/- to be deposited with the Patna High Court Legal Services Committee within a period of two weeks failing which appropriate steps be taken for realization of amount in accordance with law.

(Rajiv Roy, J)

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