IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (C) No. 4975 of 2008

Bharat Varshiya Digambar Jain Tirth Kshetra Committee, a Society registered under the Indian Societies Act, 1860, having its Registered Office at Hirabag, C.P. Tank, Mumbai-400004 and Branch Office at Kund Kund Marg, Madhuban, P.O. Sjhikharjee, District- Giridih-825329, through its Vice President Vasant Lal M. Doshi, resident of 139A, Bhuleshwar Road, Mumbai-400002 **... Petitioner**

-Versus-

1. State of Jharkhand through the Secretary, Department of Revenue & Land Reforms, Govt. of Jharkhand, Ranchi
2. Commissioner, North Chotanagpur Division, Hazaribag
3. Deputy Commissioner, Giridih
4. Additional Collector, Giridih
5. Circle Officer, Pirtanr, P.O. & P.S. Pirtand, District- Giridih

... Respondents

With
W.P. (C) No. 5920 of 2008

Bharat Varshiya Digambar Jain Tirth Kshetra Committee, a Society registered under the Indian Societies Act, 1860, having its Registered Office at Hirabag, C.P. Tank, Mumbai-400004 and Branch Office at Kund Kund Marg, Madhuban, P.O. Sjhikharjee, District- Giridih-825329, through its Vice President Vasant Lal M. Doshi, resident of 139A, Bhuleshwar Road, Mumbai-400002 (Maharashtra) **... Petitioner**

-Versus-

1. State of Jharkhand through the Secretary, Department of Revenue & Land Reforms, Govt. of Jharkhand, Ranchi
2. Dy. Secretary to the Govt. of Jharkhand, Department of Revenue & Land Reforms, Ranchi
3. Commissioner, North Chotanagpur Division, Hazaribag
4. Deputy Commissioner, Giridih
5. Additional Collector, Giridih
6. Circle Officer, Pirtanr, P.O. & P.S. Pirtand, District- Giridih
7. Shri Ajay Tutu, s/o not known to the petitioner, President, Marang Buru Sansthan, resident of Giridih Bazar, P.O. & P.S. Giridih, District- Giridih

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner : Mr. Rajesh Kumar, Advocate (In both cases)
For the State : Mr. Prabhat Kumar, S.C.-II (In W.P.C.-4975/08)
Mr. Shivam Singh, A.C. to S.C.-II
Mr. Prashant Kumar Rai, A.C. to S.C. (L&C)
(In W.P.C.-5920/08)

For Respondent No.7 : Mr. Bhanu Kumar No.1, A.C. to Mr. Saurav Arun, Adv.
(In W.P.C.-5920/08)

07/16.04.2026 Heard Mr. Rajesh Kumar, learned counsel for the petitioner, Mr. Prabhat Kumar and Mr. Prashant Kumar Rai, learned counsel for the State and Mr. Bhanu Kumar No.1, learned counsel for respondent no.7.

2. Both these writ petitions have already been tagged considering that the prayers made in the writ petitions are interlinked and the petitioner is same in both the writ petitions.

3. In W.P.(C) No.4975 of 2008, the prayer is made for direction upon the respondents to settle Revenue Dak Bungalow situated on Parasnath hill in the name of the petitioner for use as Guest House for Jain pilgrims/devotees as the request for extension of lease, made in compliance of order passed by a larger Bench of this Court in L.P.A. No.332 of 1997(R) and 5 other analogous matters.

4. In W.P.(C) No.5920 of 2008, the prayer is made for quashing of the order dated 29.11.2008 contained in Memo No.3926 passed by respondent no.2-Deputy Secretary to the Government of Jharkhand, Department of Revenue and Land Reforms, whereby and whereunder the Revenue Dak Bungalow situated in the hills of Parasnath temple, which was till date settled in the name of the petitioner for use as Guest House for Jain pilgrims/devotees, has now been settled in the name of private respondent no.7.

5. At the outset, Mr. Rajesh Kumar, learned counsel for the petitioner, Mr. Prabhat Kumar, learned counsel for the State in W.P.(C) No.4975 of 2008 and Mr. Prashant Kumar Rai, learned counsel for the State in W.P.(C) No.

5920 of 2008 jointly submit that these matters can be disposed of as status quo in terms of the earlier order is already being maintained by the State and all facilities are being provided by the State to the pilgrims/devotees in Parasnath.

6. Mr. Prabhat Kumar and Mr. Prashant Kumar Rai, learned counsel for the State next submit that further the judgment passed by the Full Bench of this Court in L.P.A. No.332 of 1997(R) has been taken before the Hon'ble Supreme Court, however, no stay has been granted in S.L.P. (Civil) No.3029-3034 of 2005. They also submit that since there is no stay in the said S.L.P., the matters can be disposed of in light of paragraph 71 of the judgment passed by the Full Bench of this Court as the observations made in that paragraph are being fulfilled by the State till date and that has also been stated in the counter affidavits filed by the respondent-State in respective cases.

7. Mr. Bhanu Kumar No.1, learned counsel appearing for respondent no.7 in W.P.(C) No.5920 of 2008 submits that in view of the order passed by the Hon'ble Chief Justice of this Court in Contempt (Civil) Case No.2 of 2009, restoration of the said Dak Bungalow has already been made in favour of the petitioner. He further submits that he has got no instruction as to whether respondent no.7 moved before the higher Court or not pursuant to the order passed by the Full Bench of this Court in the aforesaid L.P.As.

8. The dispute in the present writ petitions was the subject-matter before the Full Bench of this Court in the case of ***Shrenik Bhai Kasturbhai and others v. Ganpat Rai Jain and others*** in ***L.P.A. No.332 of 1997(R) and***

other analogous matters, reported in ***2004 (4) JCR 1 (Jhr) (FB)***. In the said cases, the Full Bench of this Court has held in paragraphs 69 and 71 as under:

> ***"69.*** *Coming to the appeal filed by the Digambaris, it is seen that the relief claimed by them in Title Suit No.23 of 1968, in addition to the declaration that Ext. 9(a) agreement entered into by Anandji Kalyanji and the State is void, are a mandatory injunction directing Anandji Kalyanji to demolish some new constructions sought to be put up by it and a permanent injunction restraining Anandji Kalyanji from making any further construction in Parasnath Hill for a declaration that the Digambaris are entitled to construct a dharamshala or a Rest House on the Parasnath Hill and restraining Anandji Kalyanji from interfering with the Digambars from enforcing any of their rights over the Hill. The Trial Court, -- though it substantially dismissed the suit, --observed that Digambaris were justified in trying to put up a dharamshala for the convenience of the Digambar Jain pilgrims, but in view of the fact that the right to the Hill vested in Anandji Kalyanji, what the Digambaris could do was to put up the constructions only with the permission of Anandji Kalyanji. The Trial Court practically directed Anandji Kalyanji to grant such permission if it was applied for by Digambars. The learned single Judge rejected the claim for the relief since it was conceded by the senior counsel on behalf of the Digambaris that if Ext. 9(a) agreement was found void, equally, the Court had to find that the agreement D/1 entered into by the Digambaris with the Government was also void. In the light of this, we are not satisfied that a case for further relief has been made out by the Digambaris. But at the same time, it is clear that the unfettered right of Digambars to worship in 20 tonks, charans and the temple of Gautam Swamy, cannot in any manner be interfered with by Anandji Kalyanji representing the Murti Pujak Community of India. That right of the Digambaris are liable to be protected. But we are not inclined to disturb the refusal by the learned single Judge of not granting any other relief to the Digambaris than the one granted to them by the Trial Court. But in view of the finding that Anandji Kalyanji has no subsisting right over the Parasnath Hill in view of the vesting under the Land Reforms Act, the condition imposed by the Trial Court that permission of Anandji Kalyanji was necessary for construction of a dharamshala cannot be sustained. The learned single Judge, consisting with his finding should have modified this part of the decree. We hold that the Digambaris could put up a dharamshala not in consisting with the mode of their worship, only with the permission of the Government in whom the land has vested. Of course, now that the Forest Conservation Act, 1980 has also intervened, no construction can be put up in the*

Parasnath Hill forest, without the prior consent of the Central Government as envisaged by Section 2 of the Conservation Act. Thisclarification alone is warranted in the suit filed by the Digambaris in addition to the relief already granted by the single Judge and which we have confirmed.

71. *Considering that the places of worship on top of the Parasnath Hill have been the subject of prolonged litigation between the two sects of Jains, it appears to us to be necessary to direct the State to make the necessary arrangements for the proper up keep and maintenance of the places of worship and also for providing reasonable amenities to the pilgrims to the Hill. Since the entire land other than 0.86 acres in Khewat No. 7 had vested in the State under the Bihar Land Reforms Act, the State has an obligation not only to pay compensation for the lands vested in the State under the Act, but also an obligation to ensure that the places of worship comprising0.86 acres of land are properly maintained, administered and looked after. We think that it would be in the interests of all concerned, if we direct the State of Jharkhand which has come in, in the place of the State of Bihar to constitute a body for the proper management of the places of worship in Khewat 7 and the extent of46.28 acres which was earlier considered necessary for the purposes of the places of worship. We may notice here that there is nothing to show that the Raja of Palganj had any title over the shrines, tonks and charans located in 0.86 acres in Khewat No. 7 and the Raja did not pretend to sell that extent or those structures to Anandji Kalyanji when he executed Ext. 7 sale deed in the year 1918. In that situation. It is difficult to find that the title to 0.86 acres vested in Anandji Kalyanji. The title over the rest of the property had vested in the State in terms of the Bihar Land Reforms Act. It is in that context that the State has the obligation to make arrangements for the convenience of the pilgrims consistent with the mode of worship in the shrines and without affecting the religious sentiments of the Jain Community as a whole.***"***

9. After the Full Bench judgment, the respondent-State has settled the said Dak Bungalow in favour of respondent no.7 in W.P.(C) No.5920 of 2008 in spite of the stay granted by the learned Single Judge of this Court vide order dated 17.12.2008, that lead to filing of the contempt proceeding being Contempt (Civil) Case No.2 of 2009 and vide order dated 13.02.2009 in the said contempt proceeding, the opposite party-State was directed to restore the premises to the petitioner and thereby maintain status quo and

since the said order was complied with by the opposite parties and the possession was restored in favour of the petitioner and status quo was also maintained and in that view of the matter, by the subsequent order dated 04.05.2009 the contempt proceeding was dropped and the contempt petition was disposed of. The said possession in favour of the petitioner is being maintained till date, as pointed out by the learned counsel for the State in respective cases.

10. Since the settlement made in favour of respondent no.7 in W.P.(C) No.5920 of 2008 was contrary to the judgment passed by the Full Bench of this Court in the aforesaid L.P.As., the impugned order dated 29.11.2008 passed by respondent no.2, contained in Annexure-10 of W.P.(C) No.5920 of 2008 is arbitrary and in absence of any modified order by the Hon'ble Supreme Court and in view of that, the said order dated 29.11.2008 cannot sustain in the eyes of law and, as such, the order dated 29.11.2008 contained in Memo No.3926 passed by respondent no.2-Deputy Secretary to the Government of Jharkhand, Department of Revenue and Land Reforms, which is subject-matter in W.P.(C) No.5920 of 2008 is, hereby, quashed.

11. In view of the above submissions of the learned counsel for the parties and as both the sides are in agreement of disposing of both the writ petitions in light of observation made in paragraph 71 of the Full Bench judgment passed in the aforesaid L.P.As. subject to the outcome in the aforesaid S.L.P. pending before the Hon'ble Supreme Court and in view of that, these writ petitions are disposed of in light of the submission made by the learned counsel for the State as the observation made in

paragraph 71 of the Full Bench judgment is already being maintained by the State.

12. Accordingly, both the writ petitions are disposed of.

13. Pending I.As., if any, are disposed of.

(Sanjay Kumar Dwivedi, J.)

Dated: 16th April, 2026
Ajay/

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17th April, 2026