

(2002) 04 PAT CK 0081
In the Patna High Court
Case No : C.W.J.C. No. 14142 of 2001

Lal Bahadur Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 02-04-2002

Acts Referred:

Citation : (2002) 2 PLJR 638

Hon'ble Judges : Ravi Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Advocate : Satish Chandra Jha, for the Appellant; S. Alamdar Hussain and Shashi Bhushan Kumar, for the Respondent

Final Decision : Dismissed

Judgement

1. The Petitioner claiming himself to be a member of the public has moved this Court in a Public Interest Litigation for issuing a direction to the Respondents to protect the property Dwarika Temple which is a public trust as according to learned Counsel for the Petitioner some encroachers have already occupied the land and were constructing residential houses over the same.

2. The present petition was earlier listed before a learned Bench of this Court as a subject matter being Bihar Hindu Religious Trust Act. However, the learned Single Judge felt that as the Petitioner did not have any locus standi as such if he had any hope it could only be, if the matter is treated as a Public Interest Litigation, before this Court.

3. The contention of the Petitioner is that one Dwarika Mahto who had two wives died issueless and after his first wife died the second wife dedicated a piece of land in which the present temple in memory of her late husband is standing. He has further contended that some vested interests have encroached upon the aforesaid land and were constructing illegal residential apartments over the same. Earlier also the Petitioner had moved the district authorities for the same including the Bihar Religious Trust Board. The President of the Board had

recommended some action to the Sub-divisional Officer and as he had not taken any action over his land, as such the present writ petition.

4. Admittedly the Petitioner has other efficacious remedy either by moving the superior body under the Hindu Religious Trust Act or filing a suit before an appropriate Court. The dispute relates to a land belonging to a private individual claimed to be Dwarika Temple in memory of Dwarika Mahto, as such this Court is not inclined to consider it as a Public Interest Litigation requiring interference at this stage.

5. Dismissed.