

(2018) 08 PAT CK 0079

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 14407 Of 2017

Markandey Prasad

APPELLANT

Vs

State Of Bihar Through Chief Secretary And Ors

RESPONDENT

Date of Decision : 20-08-2018

Acts Referred:

Citation : (2018) 3 PLJR 1005

Hon'ble Judges : Mukesh R. Shah, CJ;Dr. Ravi Ranjan, J

Bench : Division Bench

Advocate : Nivedita Nirvikar, Anjani Kumar, Ashok Kumar, J.S. Arora

Final Decision : Dismissed

Judgement

The present writ petition, in the nature of public interest litigation, has been preferred by the petitioner herein for an appropriate writ/writs,

direction/directions or order/orders directing the respondents to hold an inquiry and to stop the illegal construction and encroachment made by

respondent no. 5 alleging inter alia that the same is being done in conspiracy with the land mafia and in conspiracy with the respondent authorities on

the basis of forged and fabricated documents of the land and building of Birla Dharamshala situated over new Khata No. 1021 (New Plot No. 3117),

total area 1.46 acres in just beside the main Mahabodhi Temple in the middle town of Bodhgaya.

Having heard learned counsel for the respective parties and even considering the counter affidavit filed on behalf of the respective respondents, it

appears that the dispute is with respect to the private properties and even some proceedings in the civil court are/were pending. There are disputed

presence of facts with respect to title. It also appears that the petitioner has a

private interest in the matter as it is the case of the petitioner that the land in question was given by the petitioner/his forefathers by way of gift to Birla Dharmshala and now the same is being run by some other trust.

In the facts and circumstances of the case, the aforesaid cannot be said to be a public interest litigation and the present petition, in the nature of public interest litigation filed by the petitioner, is not required to be entertained, more particularly the dispute with respect to the title.

Even otherwise, it is required to be noted that the Arya Dharm Seva Sangh, which is at present running the Dharamshala, is not joined as a party respondent.

Considering the facts and circumstances, the present public interest litigation petition requires to be dismissed and is, accordingly, dismissed.