

(2020) 12 PAT CK 0309

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 10901 Of 2019

Gaurav Kumar Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision: Dec. 8, 2020

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Sumeet Kumar Singh, Alka Singh, Ganpati Trivedi

Final Decision: Disposed Of

Judgement

Petitioner has prayed for the following relief (s):-

I. That the present writ application is being filed in the nature of Public Interest Litigation for the issuance of writ, order or direction in the nature

of Mandamus to the respondent authorities for protection and preservation of Maa Mundeshwari Temple and deities in it from getting damaged, repair

of damaged structures of the deities, construction and reconstruction of boundary wall and damaged wall respectively and to deploy armed personnel

i.e. C.I.S.F. or police personnel for its security;

II. That the present writ application is being filed for the issuance of writ, order or direction in the nature of Mandamus to command and direct the

respondent authorities especially to the Archaeological Survey of India to start work as soon as possible for the restoration and beautification of

Mundesvari temple as mentioned in paragraph 6.2 and 6.3 respectively of the writ petition;

III. That the present writ application is being filed for the issuance of writ, order or direction in the nature of Mandamus to command and direct the

respondent authorities to develop surrounding area and hill top as a tourist and pilgrimage spot and arrangement of basic amenities to the pilgrims and devotees such as rest house, safe drinking water, power supply, safe environment, repair and maintenance of road that connects city from temple and other amenities that attracts tourists;

(IV) That the present writ application is being filed for the issuance of writ, order or direction in the nature of Mandamus to command and direct the respondent authorities especially to the Forest Department of Government of Bihar that afforestation of the entire hill should be done with proper plantation in order to maintain the ecological balance.

V. That the present writ application is being filed for the issuance of writ, order or direction in the nature of Mandamus to command and direct the respondent authorities to form a committee, which is necessary for proper maintenance, preservation, to check misfeasance, management of property and for safety and security of Temples;

VI. That the present writ application is being filed for the issuance of writ, order or direction in the nature of Mandamus to command and direct the respondent authorities to appoint the experienced architect to test the building and according to outcome pronounce an opinion as to what can be done to it, and at what cost, as Hindu Temples of such a high antiquity are very rare, especially in this province;

VII. That the present writ application is being filed for the issuance of writ, order or direction in the nature of Mandamus to command and direct the respondent authorities to construct the ropeway, its elevation to the hillock will substantially enhance its popularity, the journey in chairs to the temple site will be an added attraction;

VIII. And for issuance of any other relief or reliefs(s) for which the petitioners are entitled for. â€

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact; is not in public interest; and that the issue can be best resolved at the local level by the appropriate authorities.

We find that the interest of justice should be best served, if petitioner approaches the respondent no.3, namely, the Chief Secretary, Government of

Bihar, Patna within a period of four weeks for venting out his all rights and grievances also pointing out issues of public interest, including the subject matter of the present petition.

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of three months from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, also stands disposed of.