

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2081 of 2021

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Law Kumar Mishra, Son of Late Jagdish Mishra, Resident of 289 MiG,
Shivaji Park, Kankarbagh, P.S. Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hazipur.
2. The General Manager, East Central Railway, Hazipur.
3. The Divisional Railway Manager, East Central Railway, Danapur, Patna.
4. The Divisional Railway Manager (Personnel), East Central Railway, Danapur, Patna.
5. The State of Bihar through the Chief Secretary.
6. The Chief Secretary, State of Bihar, Patna.
7. The Principal Secretary, Urban Development Department, Government of Bihar, Patna.
8. The District Magistrate, Patna.
9. The Bihar State Board of Religious Trust through its Chairman, Vidyapati Marg, P.S.-Kotwali, District and Town-Patna.
10. Shri Mahavir Sthan, Nyas Samiti through its Secretary Acharya Kishore Kunal, Mahavir Mandir, Near Patna Junction, P.S.-Kotwali, District and Town-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Sahi, Sr. Advocate Mr. Vikas Kumar, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh, Sr. Advocate/ASG Mr. Anshuman Singh, Advocate/CGC
For the State	:	Mr. Shankar Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 21-11-2022

Heard Mr. P.K. Sahi, learned Senior Advocate for

the petitioner and Mr. Dr. K.N. Singh, learned Senior



Advocate for the respondent/railways. The State is represented by Mr. Shankar Kumar.

We find that a public spirited citizen, nay, a devotee of a temple has come up before this Court for a direction to the Railway Authorities to allocate sufficient space near Mahavir Temple, located at Railway Station, Patna, so that the devotees may not face any difficulty in parking their vehicles while visiting the temple.

The further prayer is to prevent the Railway Administration from putting up any barrier/obstruction/hindrane near the eastern entrance of the temple so as to provide safe, secure and comfortable passage to the devotees, who may chose to visit the temple at any part of the day as also a direction to not only the respondent but the Temple Trust to utilize all the space under the possession of the temple for developing more devotee-friendly amenities to ensure comfortable '*darshan*' to the devotees for them to perform the rituals with ease.



Simultaneously, a prayer has been made in the writ petition for a direction to the local administration as also Mahavir Sthan Nyas Samiti Trust to maintain cleanliness and hygiene and to make proper arrangement for the beggars, who are not a good sight in front of the temple.

We wonder whether these prayers would fall in the domain of Public Interest Litigation.

There is no gainsaying that Public Interest Litigation has been the most important tool for effecting social justice, whereby the concept of locus has been widely loosened. However, the prayers made by a party seeking such direction is required to demonstrate that any fundamental right has been violated or a duty to be performed by public authority has been blatantly ignored/flouted.

As we understand from the prayers made in the petition, a temple dedicated to Lord Hanuman is located at the entrance of the Patna Railway Junction.



One of the most important means of communication is the Railways. The prime responsibility of the Railway Administration would be to ease traffic at Railway Station. Allocating public space for the devotees of a temple to park their vehicle ought not to be the main focus of the Railway Administration.

It cannot be denied that any public building, be it charitable, religious or temporal, gets a footfall which need be regulated as regulation of traffic and apportionment of proper parking spaces fall in the secular field for any court to interfere and issue directions but sub-allocating a public space at railway junction for the use of parking by the devotees of a temple only is not something which we conceive of as a situation, where the instrument of social justice could be invoked.

We also find that on an earlier occasion, another Bench was of the view that such issues could be best settled between the Railway and the local Administration.



We would not preclude the parties from entering into any kind of settlement for the benefit of public at large, but issuing any direction in public interest in this case would be an abuse of the process of the court.

We do not find any merit in this petition and the same is dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

krishna/-

AFR/NAFR	AFR
CAV DATE	NA
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