

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7869 of 2026

Bodhgaya Hotel Association through its General Secretary Sudama Kumar, aged about 56 years, Gender- Male, S/o- Late Mangal Chand Prasad, R/o- Bodhgaya Hotel Mahamaya Palace, Near Sujata Bridge, Bodh Gaya, P.S- Bodh Gaya, District Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. Of Bihar, Patna.
2. The Home Secretary Govt. of Bihar, Patna.
3. The Principal Secretary Urban Development and Housing Department, Govt. of Bihar, Patna.
4. Divisional commissioner Magadh Division, Gaya.
5. The District magistrate, Gaya.
6. Executive Officer, Nagar Panchayat, Bodhgaya.
7. The Secretary Bodhgaya Temple management Committee Bodhgaya.
8. Circle Officer, Bodhgaya.
9. Officer In charged Bodhgaya Police station, Bodhgaya.
10. Monk-In-Charge Maha Bodhi Maha Vihara, Bodhgaya.
11. Monk-In-Charge Maha Bodhi Society of India, Bodhgaya.
12. Monk-In-Charge All India Bhikkhu Sangha, Bodhgaya.
13. Monk-In-Charge Amitabh Meditation Centre (Drikung Charitable Society), Bodhgaya.
14. Monk-In-Charge Asian Buddhist Cultural Centre, Bodhgaya.
15. Monk-In-Charge Anand Vihara Anandamitra Memorial Trust, Bodhgaya.
16. Monk-In-Charge Dr. Kalyan Priya Bangladesh Buddhist Monastery, Bodhgaya.
17. Monk-In-Charge Dr. Ratna Buddhist Thai Bharat Society, Bodhgaya.
18. Monk-In-Charge Bodhidruma International Rampur, Bodhgaya.
19. Monk-In-Charge Burmese Vihara Bodhgaya.
20. Monk-In-Charge Buddhagaya Bana Vihara Bodhgaya.
21. Monk-In-Charge Bhante Vishuddhanand Bodhi Bodhgaya.
22. Monk-In-Charge Buddha Dhamma Sangha Bodhgaya.
23. Monk-In-Charge TINH XA VIET AN-Buddha, Near Tergar Monastery Bodhgaya.



24. Monk-In-Charge Mahabodhi Chinese Temple Bodhgaya.
25. Monk-In-Charge Chakma Buddhist Foundation Bodhgaya.
26. Monk-In-Charge Cambodian Buddhist Monastery Bodhgaya.
27. Monk-In-Charge Daijokyo Buddhist Temple Bodhgaya.
28. Monk-In-Charge Druk Ngawang Thubten Choeling Bodhgaya.
29. Monk-In-Charge Dhammabodhi Meditation Centre-Vipassana Meditation Centre Bodhgaya.
30. Monk-In-Charge Fo Guang Shan Institute of Buddhist Studies Bodhgaya.
31. Monk-In-Charge Gadhen Phelgayling Charitable Trust Bodhgaya.
32. Monk-In-Charge Great Holy Land Monastery Bodhgaya.
33. Monk-In-Charge International Mediation Centre Bodhgaya.
34. Monk-In-Charge International Buddhist Brotherhood Association of India-Indo-San Nipponji (Japanese Temple) Bodhgaya.
35. Monk-In-Charge Kagyupa Monlam International Trust Bodhgaya.
36. Monk-In-Charge Khuva Boonchum Tai Temple Bodhgaya.
37. Monk-In-Charge KARMA THARJAY CHOKHORLING KAGYUPA BUDDHIST MONASTERY (Karma Temple) Bodhgaya.
38. Monk-In-Charge Mula Sangha Religious Trust, Old Taridih Mastipur, Bodhgaya.
39. Monk-In-Charge Korea Temple Bodhgaya.
40. Monk-In-Charge Linh Son Monastery Bodhgaya.
41. Monk-In-Charge Maha Bodhi Meditation Centre Bodhgaya.
42. Monk-In-Charge Maitri Charitable trust Bodhgaya.
43. Monk-In-Charge Metta Buddharam Monastery Bodhgaya.
44. Monk-In-Charge Nyingma Monlam Chenmo International Foundation Bodhgaya.
45. Monk-In-Charge Nepali Tamang Buddhist Temple Bodhgaya.
46. Monk-In-Charge Panchasila Vihara Bodhgaya.
47. Monk-In-Charge Palyul Namdroling Monastery Penor Rinpoche Charity Foundation Bodhgaya.
48. Monk-In-Charge Royal Wat Thai Bodhgaya.
49. Monk-In-Charge Root Institute for wisdom and culture Bodhgaya.
50. Monk-In-Charge Ratana Bodhi Vihara Bodhgaya.
51. Monk-In-Charge Ramanyabhumi Buddha Vihara Bodhgaya.
52. Monk-In-Charge Shechen Tennyi Dhargyeline Bodhgaya.
53. Monk-In-Charge Sikkim Temple Guest House Bodhgaya.
54. Monk-In-Charge Sakya Monastery Charitable Trust Bodhgaya.



55. Monk-In-Charge Taiwan Temple Bodhgaya.
56. Monk-In-Charge Tai Bodhi Kham Bodhgaya.
57. Monk-In-Charge Yongey Terger Monastery Bodhgaya.
58. Monk-In-Charge Vietnam Temple (Bhagalpur).
59. Monk-In-Charge Vien Giac Institute Bodhgaya.
60. Monk-In-Charge Vajrasana Temple, Katorowa Bodhgaya.
61. Monk-In-Charge Wat Thai Magadh Temple Bodhgaya.
62. Monk-In-Charge Wat Lao International, Bodhgaya.
63. Monk-In-Charge Mongolia Temple, Bodhgaya.
64. Monk-In-Charge Bodhidruma International Rmapur, Bodhgaya.
65. Monk-In-Charge Royal Bhuan Temple Bodhgaya.
66. Monk-In-Charge Vimalthung Chai Buddha Hall (New) Sangmitra Buddha Vihara Bodhgaya.
67. Monk-In-Charge Wat Niranjana was Bodhgaya.
68. Monk-In-Charge Wat Paknam Temple Bodhgaya.
69. Monk-In-Charge Teza Mangala Vihar Bodhgaya.
70. Monk-In-Charge Wat Thai Buddha Savika Bodhgaya.
71. Monk-In-Charge Wat Bhuripalo Bodhgaya.
72. Monk-In-Charge Wat Thai, Bodhgaya.
73. Monk-In-Charge Sanghamitra Foundation, Bodhgaya.
74. Monk-In-Charge Mahabodhi Charitable Trust, Bodhgaya.
75. Monk-In-Charge Dr. Ambedkar Bhawan, International Buddhist Sansad, Bodhgaya.
76. Monk-In-Charge International Phat Hoa Binh Trust Bodhgaya.
77. Monk-In-Charge Bodhiraja Monastery Bodhgaya.
78. Monk-In-Charge The Pearl Mahavihar Kotorwa Road Bodhgaya.
79. Monk-In-Charge M.M.C Muni Institute Bodhgaya.
80. Monk-In-Charge Kambodia Monastery Bodhgaya.
81. Monk-In-Charge Mynmar Monastery Bodhgaya.

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 1396 of 2017

=====



Bodhgaya Hotel Association Son of Mandal Chand Prasad Resident of -
Bodhgaya Hotel Mahamaya Palace, near Sujata Bridge, Bodhgaya, P.S.
Bodhgaya, Distt. Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Home Secretary Govt of Bihar, Patna.
3. The Principal Secretary Urban Development and Housing Department,
Govt. of Bihar, Patna.
4. The Divisional Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. Executive Officer, Nagar Panchayat, Bodhgaya.
7. The Secretary Bodhgaya Temple Management Committee, Bodhgaya.
8. Circle Officer, Bodhgaya.
9. Officer In Charge Bodhgaya Police Station, Bodhgaya.
10. Monk-In-Charge Myanmar Temple Bodhgaya.
11. Monk-In-Charge Teygar Monasery Temple Bodhgaya. null null
12. Monk-In-Charge Dai Jokya Temple Bodhgaya.
13. Monk-In-charge Vietnam Temple Bodhgaya.
14. Monk-In-Charge Royal Thai Temple Bodhgaya.
15. Monk-In-Charge Holl and Temple Bodhgaya.
16. Monk-In-Charge Srilanka Mahabodhi Temple Bodhgaya.
17. Monk-In-Charge Taiban Temple Bodhgaya.
18. Monk-In-Charge Wat Paknam Monastery Bodhgaya.
19. Monk-In-Charge Bhootan Temple Bodhgaya.
20. Monk-In-Charge Vatpa Thai Temple Bodhgaya.
21. Monk-In-Charge Tregar Karmapa Monastery Bodhgaya.
22. Monk-In-Charge Thai Magadh Temple Bodhgaya.
23. Monk-In-Charge Cambodia Temple Bodhgaya..
24. Monk-In-Charge Nigma Monastery , Bodhgaya.

... .. Respondent/s

=====

Appearance :

(In Civil Writ Jurisdiction Case No. 7869 of 2026)

For the Petitioner/s : Ms. Shweta Anand, Advocate



For the Respondent : Mr. Standing Counsel (06)
(In Civil Writ Jurisdiction Case No. 1396 of 2017)
For the Petitioner/s : Ms. Shweta Anand, Advocate
For the State : Mr. S.D. Sanjay, AG
Mr. P.V. Verma, AAG 3
Mr. Sanjay Kumar Ghosarvey, AC to AAG 3
For the Nagar Panchayat : Mr. Ashok Kumar, Advocate

=====

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)**

Date : 09-09-2026

Heard learned counsel for the parties.

2. The present writ applications have been filed in the
form of Public Interest Litigation for the following reliefs:

"1 (i). For issuance of a writ in the nature of mandamus for giving a direction to take suitable action and restrained the respondents no. 10 to 81 to use and utilize in their respective maths/Monasteries commercial use.

(ii). For giving a direction to make an enquiry to take actions against the illegal construction of maths/monasteries of resp. no. 10 to 81 which have been constructed in violation of Municipal Act and Building Bye Laws.

(iii). For giving a direction to make implementation of the order and direction passed by the state Govt. in its review meeting dated 01.07.2016 within stipulated time.

(iv) Any Other relief/reliefs which this Hon'ble court may deem fit and proper in the fact and circumstances of the Present case."

3. Learned counsel appearing for the petitioner submits that various constructions at different sites in Bodh



Gaya, including constructions raised by the *Maths/Monasteries*, are unauthorized and have been made in violation of the applicable Building Bye-Laws and other statutory provisions. It is further submitted that certain *Maths/Monasteries* are being utilised for commercial purposes and that various Monasteries with facilities like star-category hotels have come up in and around the Mahabodhi Temple.

4. Learned counsel for the petitioner further submits that such constructions and commercial activities are contrary to the statutory provisions, and adversely affect the religious and spiritual character of such *Maths/Monasteries*. It is also submitted that the activities being carried on in the name of the *Maths/Monasteries* result in loss of revenue to the Government. Learned counsel, therefore, submits that appropriate directions be issued to the concerned authorities to enquire into the alleged violations, take action against unauthorized constructions and ensure implementation of the directions issued by the State Government in its review meeting dated 01.07.2016.

5. Learned counsel appearing for the State submits that the issue relating to the alleged unauthorized constructions has already been considered by the competent local authority. Notices were issued in respect of the constructions in question



and, upon inquiry, five monasteries were found to have undertaken construction in accordance with the sanctioned building plans, whereas in respect of certain other monasteries, deviations from the sanctioned plans were noticed and necessary action was taken in accordance with law.

6. Learned counsel appearing on behalf of the respondent-*Maths/Monasteries* submits that the various *Maths/Monasteries* situated at Bodh Gaya represent different schools and traditions of Buddhism. It is submitted that the Buddhist traditions represented by the monasteries include, broadly, the Theravada, Mahayana and Vajrayana traditions, each having its own religious practices, teachings and institutional traditions. The monasteries, therefore, are not merely establishments engaged in any commercial activity, but are religious and spiritual institutions serving the followers of their respective Buddhist traditions.

7. Learned counsel further submits that the monasteries facilitate their followers, monks, pilgrims and other persons visiting Bodh Gaya for religious purposes by providing accommodation and space within their respective campuses, including through ashrams and other residential facilities. Such facilities are incidental to the religious and spiritual functions of



the monasteries and cannot, merely on that account, be characterised as commercial activities or as being undertaken for the purpose of conducting business.

8. It is further submitted that Bodh Gaya is a place of immense religious and spiritual significance for followers of Buddhism from different parts of the country and the world. Persons visit Bodh Gaya for meditation, prayer, religious observances, study and to follow the teachings of the respective Buddhist traditions. The provision of accommodation and other facilities by the monasteries to their followers and visitors is, therefore, essentially connected with the religious and spiritual purpose for which the monasteries have been established.

9. Having considered the submissions advanced on behalf of the parties and upon perusal of the materials available on record, this Court is of the considered view that the present proceeding, though styled as a Public Interest Litigation, essentially concerns the manner of use and utilisation of the various Maths/Monasteries situated at Bodh Gaya.

10. The petitioner is an Association of Hotels. The principal relief sought in the present proceeding, inter alia, is for restraining the *Maths/Monasteries* from using and utilising their respective premises for commercial purposes. In the facts and



circumstances of the present case, particularly having regard to the nature of the activities explained on behalf of the respondent-*Maths/Monasteries*, this Court is unable to accept that the present proceeding constitutes a genuine Public Interest Litigation.

11. The jurisdiction of this Court in a Public Interest Litigation is intended to advance a genuine cause of public interest and cannot be permitted to be invoked for pursuing a dispute which, in substance, concerns competing interests of particular establishments or associations. Merely couching the relief in terms of enforcement of statutory provisions would not, by itself, confer the character of a Public Interest Litigation upon a proceeding which essentially seeks to regulate the activities of particular establishments.

12. In view of the aforesaid facts and circumstances, this Court finds no merit in the present Public Interest Litigation.

13. Accordingly, both the writ applications stand dismissed.

14. It is, however, made clear that dismissal of the present proceeding shall not preclude the competent authorities from taking appropriate action, in accordance with law, in the



event any construction or activity is found to be in violation of the applicable statutory provisions.

15. The local administration and the authorities concerned shall ensure that all constructions in the premises of the *Maths/Monasteries* are in consonance with the applicable Municipal Laws, Building Bye-Laws, Building Rules, land-use regulations and other applicable statutory provisions. No construction, addition or alteration shall be undertaken except in accordance with law and the sanctioned plan, wherever such sanction is required.

16. The concerned authorities and the management of the respective *Maths/Monasteries* shall also ensure compliance with all applicable safety measures and norms prescribed under the relevant laws, rules, regulations and guidelines, so as to prevent any danger or accident and to ensure the safety of the members of the monasteries, monks, pilgrims and visitors.

17. Further, having regard to the fact that the *Maths/Monasteries* receive visitors, followers, monks and pilgrims from different parts of the country and abroad, the management of each *Math/Monastery* shall maintain a proper register of the persons being provided accommodation or residential facilities within its premises, mentioning proper



identification i.e. Government issued identity document and residential proof for Indian citizens; passport and travel/immigration documents for foreign nationals. The *Math/Monastery* shall maintain the register on a daily basis so that whenever required the same may be produced before the competent authority.

18. Pending application(s), if any, shall also stand disposed of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

Vanisha/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	11.09.2026
Transmission Date	NA

