

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (PIL) No. 6341 of 2022

 Sanjeev Kumar Singh S/o Sh. Satya Prakash Singh, R/o. B-701,
 Signature View Apartment, Dr. Mukherjee Nagar, PO PS
 Mukherjee Nagar, Dist. North West State Delhi 110009.

... **Petitioner**

Versus

1. The State of Jharkhand, through the Chief Secretary, Government of Jharkhand, Project Bhawan, Dhurwa, Ranchi.
2. The Secretary, Ministry of Tourism, Government of Jharkhand, Tourist Complex 5, Mahatma Gandhi Marg, Ranchi.
3. The Directorate of Tourism, MDI Building, 3rd Floor, Dhurwa, Ranchi.
4. Department of Tourism, FFP Building, 2nd Floor, Dhurwa, Ranchi.
5. Jharkhand Tourism Development Corporation Limited, Tourist Complex 5, Mahatma Gandhi Marg, Ranchi.
6. The Deputy Commissioner, Ramgarh, Jharkhand State Highway 2, Ramgarh Cantonment, Ramgarh.

... **Respondents**

CORAM : SRI SANJAYA KUMAR MISHRA, C.J.
SRI ANANDA SEN, J.

For the Appellant: Mr. Bharat Kumar, Advocate
For the Respondents : Mr. Yogesh Modi, AC to Aag 1A
 Mr. Ankit Kumar, Advocate

5/ 11.08.2023 Upon hearing the learned counsel for the parties, this Court passed the following, (Per Ananda Sen, J.)

ORDER

1. By filing this Public Interest Litigation, the petitioner prays to direct the authorities to allocate a proper space and construct toilets, changing rooms, bathrooms on both sides of the river Bhairavi (Bhera) at Rajrappa, Maa Chhinnamastike Temple and also to construct bathing ghats on both sides of river Bhairavi (Bhera) at Rajrappa, Maa Chhinnamastike Temple.
2. Learned counsel for the petitioner submits that the petitioner has got no personal interest in the litigation, but has filed this application as Maa Chhinnamastike Mandir at Rajrappa in the District of Ramgarh is of immense religious importance and it is necessary to provide facilities to the pilgrims, which is lacking. The temple is on the banks of river Bhairavi and at the confluence of river Bhairavi and river Damodar. There is huge footfall of devotees on each and every day, from different parts of the country. There is no proper facility of washrooms and changing rooms nor there is proper bathing ghats, which causes inconvenience to pilgrims, especially, the women devotees. After taking dip in river Bhairavi, the devotees face immense

problem in changing their wet cloths, as there is no changing room nearby. The local vendors and shopkeepers had made one or two makeshift arrangements by putting bamboo sticks and covering it by cloth, which is absolutely crude and not proper. So far as toilets are concerned, the number of toilets are very few and are not being maintained and there is absolute lack of hygiene. It is further argued that there is no proper bathing ghats and river bed being rocky, it causes problem during rainy season when water level rises. There are high probability that accidents may happen while devotees take bath in the river. Further, the petitioner submitted that the river front which runs parallel to the temple, should be beautified. Thus, this petitioner, who is resident of New Delhi and claims to be a devotee, who visits the temple regularly, has approached this Court by filing this Public Interest Litigation. It has been submitted that the petitioner has written several letters and emails to the authorities, but in vain. Counsel for the petitioner refers to several photographs with his objective to substantiate his case. It is also submitted that the petitioner is associated with an NGO and the NGO is interested in developing the area also.

3. Learned counsel appearing for the State submits that there is a queue complex in the temple, which has 5 toilets, 3 for gents and 2 for ladies and there are two bathrooms. There are sufficient numbers of toilets near the administrative block and in the complex prepared by the Central Coalfields Limited. It has also been submitted that two changing rooms are also proposed to be constructed. Referring to the counter affidavit filed by the State, it has been submitted that there are 15 toilets for males and 14 toilets for female and 8 bathrooms for male and 8 bathrooms for female and two changing rooms. In the counter affidavit, it has also been mentioned that it is not possible to allow the petitioner or any private person to construct any bathrooms, toilets etc. without any prior permission from the Tourism Department. In the counter affidavit, the respondents deny that the devotees face difficulty in bathing as thousands of people take bath in the river without any hesitation or difficulty. In the counter affidavit, it has been stated that the District Administration is taking all steps and more facilities, which are necessary shall be provided. It has also been stated in the counter affidavit that there is a Guest House of Zila Parishad Ramgarh and an Administrative Building, which caters the need.

4. We have heard the counsel for the parties and have gone through the petition and the counter affidavit. Temple of Maa Chinnamastike, known as Chhinnamastike Temple is dedicated to Goddess Chhinnamastika and is an

important place of pilgrim for Hindus. It is situated in the district of Ramgarh about 30 km. from Ramgarh town and around 70 kms. from Ranchi. Temple is situated on the confluence of River Bhairavi and River Damodar. The temple is built in Tantrik style of architecture and it is considered to be a place of Mahavidya and is a place of Tantrik Spiritual Practices. There are several other temples located adjacent to the temple of Maa Chhinnamastike. Several devotees from different parts of the country visit this temple regularly and during festive seasons and on special occasions the visit of pilgrims multiplies by few folds. Many devotees take holy dip in the river Bhairavi and then offer their prayers to the Goddess. As this place is visited by large number of pilgrims from the entire country, it is necessary that the District Administration provides basic facilities to the pilgrims like washrooms, waiting halls, etc.

5. In their counter affidavit, respondents have stated that there is a queue complex and in the queue complex, there are sufficient number of wash toilets (for male and female), waiting rooms and changing rooms. It is the grievance of the petitioner that the washrooms are not sufficient and in fact there are no proper washrooms on both the banks of the river nor there are any changing rooms. Though there are some "pay and use" washrooms, which are outside the complex, but they lack maintenance. It is also the case of the petitioner that there is no proper river ghat near the temple and the river front has not been beautified and maintained properly. It is also his case that drinking water facility should also be provided at different points. To substantiate his case, several photographs have been annexed alongwith the writ petition. From the photographs, we find that the ghats of the river Bharavi on both the sides are very crude and even lacks basic facilities. There are make shift changing rooms, where four bamboos have been planted in the earth and is covered by plastic sheets. The pathway is also very narrow and is crude. The river front of both the banks of river Bhairavi needs proper upgradation and beautification. Proper pathway needs to be constructed from the bathing ghats and riverghats leading to the temple without any hindrance or obstacles. The pathway should be wide enough. There is no proper bathing ghats also. One photograph suggests that sand bags are being dumped on the river bed to make a makeshift ghat for bathing, which is absolutely not proper and is rather unsafe. There are temporary shops near the ghats, which has narrowed the pathway, as such creates an obstruction in free movement of devotees from the river bank to the temple.

6. Though as per the counter affidavit of the respondents, there are sufficient number of washrooms and toilets and bathrooms in the queue

complex, but it is not clear as to whether the washrooms outside the temple complex are sufficient or not and whether there is sufficient washroom facility outside the temple complex. Some photographs suggest that there are washrooms, but from the photographs it would be clear that the constructions are very poor and the facilities are not sufficient, the washrooms are not being maintained properly also. Nothing has been said in the counter affidavit about the drinking water facility. Though something has been done by the District Administration, but the said facilities can not be said to be adequate for the devotees, who visit in huge numbers.

7. Considering the aforesaid position, we intend to give the following directions to the Department of Tourism, Government of Jharkhand and the District Administration, Ramgarh for immediate compliance: -

- (i) To construct adequate number of permanent proper bathing ghats on both the sides of river Bhairavi;
- (ii) Approach road from each of the ghats to the temple should be free from all encroachments and obstructions;
- (iii) To construct adequate number of changing rooms near the ghats at appropriate places. Ghats and changing rooms should be properly maintained giving special emphasis to cleanliness and hygiene;
- (iv) Both the banks of river Bhairavi should be provided with proper lighting facility;
- (v) Toilets and washrooms in the queue complex should be maintained by the respondents;
- (vi) Deputy Commissioner, Ramgarh will constitute a team of responsible officers, who will inspect the temple area to find out whether there are sufficient numbers of waiting halls and sufficient number of toilets for all genders. If it is felt that the toilets and washrooms are not adequate, appropriate area should be identified for construction of toilets and washrooms for all genders, but the said toilets should not disturb in any way the temple nor should come in the way of beautification of the temple;
- (vii) The respondents also should provide adequate drinking water facility at regular intervals for the pilgrims;

- (viii) First-aid medical facility should be made available round the clock near the temple area and during the festive season, mobile outlets should be made available, which should be placed at the river front on both the banks of river Bhairavi;
- (ix) To widen the river banks and remove the hindrances, encroachment and obstructions to reach the temple from the Ghats or any other appropriate approach roads and if makeshift shops needs to be removed, they should be removed and the persons displaced should be relocated at proper places;
- (x) To take such other or further steps as is conducive to beautify the temple complex and its surroundings including the river front / bank.

8. This Writ Petition in the nature of Public Interest Litigation is, thus, disposed of with the above directions.

9. There shall be no orders as to costs. Urgent certified copies of this order shall be issued as per the Rules.

(Sanjaya Kumar Mishra, C.J.)

(Ananda Sen, J.)