

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 231 of 2025

Jyot, having its registered office at B-900, Shapath-4, Sarkhej-Gandhinagar Highway, Opposite Karnavati Club, Ahmedabad P.O. & P.S.-SG Highway, District- Ahmedabad- 380058, Gujarat through its Trustee Lalit Narshi Dharamshi, aged about 65 years, son of Narshi Dharamshi, resident of B/102, E-6, Sarvodaya Heights, Sarvodaya Nagar, Jain Mandir Road, Near Jain Temple, Mulund West, P.O & P.S. - Mulund, District-Mumbai-400 080, Maharashtra.

... .. Petitioner

Versus

1. The State of Jharkhand
2. Ministry of Environment, Forest and Climate Change, Government of India, through its Secretary, having its office at Indira Paryavaran Bhawan, P.O and P.S. Jorbagh, Jorbagh Road, District - New Delhi-110 003.
3. National Highways Logistics Management Ltd. through its Director, having its office at G-5 & 6, Sector 10, Dwarka, P.O and P.S.-Dwarka, District- New Delhi-110075
4. The Deputy Commissioner, Giridih having his office at Paparwatand Colony, Mahesh Mundi, P.O. & P.S.- Giridih, District- Giridih-815311, State- Jharkhand
5. The Superintendent of Police, Giridih having his office at Rajendra Nagar, P.O.& P.S.-Giridih, District- Giridih- 815311, State-Jharkhand

... .. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioners:	Mr. Darius Khambata, Sr. Advocate Mr. Percival Billimoria, Sr. Advocate Mr. Indrajit Sinha, Advocate Mrs. Perna Jhunhunwala, Advocate Mr. Shubham Kataruka, Advocate Mrs. Khusboo Kataruka, Advocate
For the Respondents:	Mr. Rajiv Ranjan, Advocate General Mr. Piyush Chitresh, A.C. to A.G.

Reserved on : 09.04.2025

Pronounced on: 2 .05.2025

M.S. Ramachandra Rao, C.J.

W.P.(PIL) No. 231 of 2025.

- 1) This Public Interest Litigation has been filed by the petitioner, Jyot, a religious trust registered in Ahmedabad, Gujrat bearing registration no. E-19029 (Trust) for protecting the sanctity of the Parasnath Hill (“Hill”) in the Giridih District of the State Jharkhand.
- 2) According to the petitioner, Parasnath Hill is one of the most prominent and significant places of worship and is also an essential and integral part of the Jain religion; it is to Jainism, what Ayodhya – Ram Janma Bhoomi is to Hindus, Bodh Gaya to Budhists, the Golden Temple to the Sikhs, Mecca to Muslims and the Vatican to Catholic Christians; and since times immemorial, persons professing Jainism have been worshipping the entire Parasnath Hill as a most sacred and sanctified place of worship.
- 3) Petitioner contends that it is a ‘Mahatirtha’ of Jains as it is believed that 20 out of 24 Tirthankaras (Gods) and many Munis had attained nirvana from this Hill.
- 4) According to petitioner, it has been actively involved in protecting religious rights and it has collected about 7,00,000 signatures from members of the Jain community seeking to protect the sanctity of the Hill. It has also filed an intervention application along with other interveners in the matter of *Kantaru Rajeevaru v. Indian Young Lawyers Association* (Sabrimala Review matter) in the Supreme Court of India, which has been admitted by an office report dated 07.03.2020.

Prayer in the Writ Petition.

5) In this petition, the Trust has prayed for the following reliefs:-
(WP, para 68, p.50).

- (i) *To implement the Office Memorandum dated 05.01.2023 issued by the Government of India (MoEF);*
- (ii) *To prevent the State of Jharkhand from carrying out activities that desecrate the Hill and to take preventive measures against activities that defile the sanctity of the Hill;*
- (iii) *To remove and prevent encroachments and structures that desecrate the Hill; and*
- (iv) *Pass any other direction or order which protects the rights of the Jain community vis-à-vis the Hill as a guarantee under Part III of the Constitution.*

6) Petitioner contends that a Full Bench of the Jharkhand High Court in ***Shri Shrenik Bhai Kasturbhai v. Shri Ganpat Rai Jain***¹ had noted about the sacred nature of the Parasnath Hill and declared:

“79....It is in that context that the State has the obligation to make arrangements for the convenience of the pilgrims consistent with the mode of worship in the shrines and without affecting the religious sentiments of the Jain community as a whole.

80....But what ultimately matters is that the State should ensure that all pilgrims to the places of worship on the Hills have the freedom to worship without departing from the traditions of that worship.”

(WP, pp.200 and 201).

¹ 2004 SCC Online Jhar 674,

7) Petitioner also relies on a press release issued in September, 2015 by the Information and Public Relations Department of the State of Jharkhand recognizing the sanctity of the Parasnath Hill. The Press Release inter alia stated : (WP, Annex 2, p.59)

“The Hon’ble CM assured the delegation that the spiritual sanctity of Parasnath will be retained and the pious belief and faith of the Jain community will be taken care of by the Government.”

8) It is contended that as a result of the Trust’s Save Shikharji campaign, on 22 October 2018, the State of Jharkhand issued an Office Memorandum declaring: (WP, Annex. 3, pp.60, 61)

“Parasnath Sammet Shikhar Ji Parvat is the world famous pious and revered pilgrimage place of Jains from centuries. The Government is committed to keep its sanctity intact”.

9) Petitioner has also drawn the attention of this Court to notification dt. 02.08.2019 issued by the Ministry of Environment, Forest and Climate Change (for short “**2019 Notification**”) designating an eco-sensitive zone around Parasnath Hill. (WP, Annex 4, p. 62. English Translation at p. 80).

In clauses 3(18) (p.84) and 7(p.88) of this notification, it is specifically stated that the Central Government and the State Government shall specify other additional measures, if they consider them necessary for giving effect to the provisions of this notification.

10) Thereafter, on 05.01.2023, the Union of India issued an Office Memorandum (“**2023 Office Memorandum**”) u/s 5 of the Environment (Protection) Act, 1986, *inter alia*, (a) recognizing the sanctity of the Parasnath Hill and its significance for the Jain community; (b) directing

the State Government to take all necessary measures to protect the sanctity of the Hill, including prohibiting the sale or consumption of liquor and other intoxicants, serving of non-vegetarian food and committing injurious acts to animals; and (c) directing a stay on the plan for tourism and eco-tourism activities on the Hill. (WP, Annex 5, p.95)

The 2023 Office Memorandum stated and directing as follows:-

“2. Sammed Shikharji Parvat Kshetra is the world’s most sacred and revered Theerth Sthan of Jain dharma. The Government recognizes its sanctity and significance for the Jain community as well as the Nation at large; and reiterates its commitment towards maintaining the same.

3. In this regard the State Government is directed to immediately take all steps necessary to strictly enforce the provisions of clause 7.6.1 of the Management Plan of the Parasnath Wildlife Sanctuary which protects the whole Parasnath Hill; categorically prohibiting amongst others, activities such as the selling of liquor, drugs and other intoxicants; playing loud music or use loudspeakers; defiling sites of religious and cultural significance such as sacred monuments, lakes, rocks, caves, and shrines, damaging flora or fauna; causing environmental pollution; committing injurious acts to forests, water bodies, plants, animals, or disturbing the natural tranquility of such sites; coming with pet animals; and unauthorized camping and trekking on the Hill. With reference to OM Party o/Yo o-14/2010-1995 dated 21.12.2022 of Department of Tourism, Art, Culture, Sports and Youth Affairs; Govt. of Jharkhand, The State Government should also strictly enforce the ban on the sale and consumption of liquor and non-vegetarian food items on Parasnath Hill as provided in the said OM.

4. Furthermore, in reference to the Eco Sensitive Zone Notification S.O.2795 (E) dated 2nd August, 2019, issued to protect a buffer zone beyond the sacred Parasnath Hill; the implementation of provisions Clause 3 of the said Eco-Sensitive Zone notification is stayed forthwith, including amongst others all Tourism and Eco-

Tourism activities. The State Government is directed to immediately take all steps necessary to ensure the same.”
(emphasis supplied)

11) Petitioner contends that a notification (such as the 2019 Notification and the 2023 Office Memorandum) issued under the provisions of the Environment (Protection) Act, 1986 constitutes law. Reliance is placed on ***Indian Council for Enviro Legal Action v. UOI***².

Consideration by the Court

12) In the counter affidavits filed by the respondents, none of these contentions are denied and it is accepted that Parasnath Hill is indeed a sacred religious place of members of the Jain Community, but they contend that they are acting to ensure that it is maintained. This is seriously contested by petitioner.

13) We may point out that restrictions on certain practices/activities in places having religious importance is not a new phenomenon. Such restrictions have been upheld by Courts in several cases.

14) In ***Nar Hari Shastri v. Shri Badrinath Temple Committee***³, the Supreme Court upheld the restriction/prohibition on right of pandas (guides) accompanying pilgrims and receiving gifts from them in the precincts of the Badrinath temple, Puri in the following terms:

“24. This right of entry into a public temple is, however, not an unregulated or unrestricted right. It is open to the trustees of a public temple to regulate the time of public visits and fix certain hours of the day during which alone members of the public would be allowed access to the shrine. The public may also be denied

² (1996) 5 SCC 281, para 26-28.

³(1952) 1 SCC 689, at page 701

access to certain particularly sacred parts of the temple, e.g., the inner sanctuary or as it is said the “Holy of Holies” where the deity is actually located. Quite apart from these, it is always competent to the temple authorities to make and enforce rules to ensure good order and decency of worship and prevent overcrowding in a temple. Good conduct or orderly behaviour is always an obligatory condition of admission into a temple¹, and this principle has been accepted by and recognised in the Shri Badrinath Temple Act, Section 25 of which provides for framing of bye-laws by the temple committee inter alia for maintenance of order inside the temple and regulating the entry of persons within it”.

... ..

32. the question still remains whether the committee in exercise of their powers to make bye-laws, can frame a rule that no such gifts should be allowed to be made within the temple and whatever gifts the pilgrims might choose to make in favour of any person which is unconnected with offerings to the deity must be made outside the temple precincts.

33. Section 25 of the Act empowers the committee to make bye-laws not inconsistent with the Act or the Rules made thereunder or any other law for a variety of purposes which are enumerated in the different clauses of the section; and clauses (m) and (n) run as follows:

“25. (1)(m) the maintenance of order [within the temple or] inside the temple and regulating the entry of persons therein; and
(n) the performance of duties prescribed in Section 23.”

34. Section 23 lays down the duties of the committee and subsection (9) prescribes it to be duty of the committee to do all such things as may be incidental and conducive to the efficient management of the temple and endowments and the convenience of the pilgrims. In our opinion, Bye-law (8) of the Puja Bye-laws referred to above, which forbids the acceptance of the gifts by any person within the temple, unless he comes within the category of persons specifically authorised by the committee to receive the same, is a perfectly legitimate bye-law which it was quite

competent for the committee to enact under the terms of clauses (m) and (n) of Section 25(1) referred to above.” (emphasis supplied)

15) Relying on the above decision a Division Bench of the Madras high Court had upheld the ban on use of mobile phones in the Temple premises in ***M. Seetharaman v. Commissioner, Hindu Religious and Charitable Endowment Department and another***⁴.

16) In ***Tirumala Merchants Welfare Petitioners Association V. State of A.P.***⁵, the Andhra Pradesh High Court upheld the action of the State Government in prohibiting possession, use or consumption of cigarettes including beedis and chuttas in Section 114(3) (a) (iii) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act,1987 on the entire Tirumala Hills area. The High Court held that such a restriction is a reasonable restriction aimed at not only preserving the sanctity of the place but also respecting the religious sentiments of the Hindu Community.

17) In fact G.O.Ms.No.746 dt.2.6.2007 has been issued by the Revenue (Endowments. III) Department of the Government of Andhra Pradesh noting that 7 hills including the hill where the shrine of Lord Venkateswara is located at Tirumala in Chittoor District of that State was notified as “Tirumala Divya Kshetram”, that the Tirumala Hills area has been notified as a place of religious importance under section 5(1) of the A.P.Panchyat Raj Act,1994 r/w Section 114 of the A.P.Charitable and Hindu religious Institutions and Endowments Act, 1987, and civic

⁴ 2022 SCC Online Mad 5656

⁵ 1998 SCC Online AP 504

administration of the area is in the hands of the Executive Officer, who shall have all powers normally exercised by the Gram Panchayat, Sarpanch, Executive Officer or Authority under the said law, and the *Tirumala Tirupati Devasthanam Board and the Executive Officer shall take all necessary steps to see that the spirit of this order is translated into practice and the sanctity of seven Hills area is fully preserved.*

18) The State of Sikkim has also issued a notification dt. 20.09.2001 notifying certain sacred peaks, caves, rocks, lakes etc as most scared Buddhist places of worship of Sikkim and for their protection under the Places of Worship (Special provisions) Act,1991.

19) Likewise for the Mata Vaishno Devi temple at Katra in Jammu and Kashmir, the District Magistrate, Katra had issued an order dt.31-05-2024 prohibiting the sale/possession/consumption of tobacco products including Gutkha and making violation thereof an offence under Section 188 IPC.

20) Petitioner alleges that the State Government Officials, in complete disregard of the above 2019 Notification and 2023 Office Memorandum for maintaining the Parasnath Hill's sanctity are encouraging tourism related activities on the Parasnath Hill on the pretext that otherwise, there would be an unemployment problem for local youth.

21) This plea of the petitioner is corroborated by the stand taken in the Counter affidavit dt.17th February, 2025 of Respondents 4 and 5 (Deputy Commissioner and Superintendent of Police, Giridih) who have contended that "*restraining tourists from trekking the said hill can turn down tourism which can lead to non-employment in area*". **(Counter**

Affidavit dated 17.2.2025 para 21, p.14; Counter affidavit dated 7.4.2025) .

22) In the counter affidavit filed by the Tourism department of the State of Jharkhand it is stated that eco-tourism would be conducted as per the tourism master plan and will be a component of zonal master plan and applicable only in the Eco-sensitive Zone outside the sanctuary and Parasnath Hill area. It is stated that the plan will adhere to Central and State environmental laws and guidelines as well as the needs and aspirations of the people and their cultural and religious faith.

It is, however, admitted by the Forest department that in the Office Memorandum dt. 05.01.2023, Eco-Tourism Activities as well Tourism Activities have been stayed by the Union of India.

Having said so, the Forest department states that the State Government had framed certain rules through a resolution on 28.08.2015 regarding selection of places/area for implementation of its schemes of tourism.

It is stated that it is the responsibility of the Tourism Department of the Government of Jharkhand to provide facilities/amenities to visiting tourists including pilgrims in the State and these persons are being treated as religious tourists/pilgrims.

Also it is stated that Parasnath was notified as a Tourist Place through a notification dt. 22.02.2019 issued by the Department of Tourism, Government of Jharkhand and several amenities like pathways, benches and wayside amenities etc. for lakhs of Jain Pilgrims and Santhal

devotees visiting Parasnath/Marang Buru are being provided including toilets.

It is, however, stated that the State Government has no intention to promote Parasnath as a commercial tourist place, but they intend to develop them as places for religious pilgrimage as per the Jharkhand Tourism Policy, 2021.

It is stated that the Tourism Department has no intention to hurt the religious sentiment of the Jain Community or any other community and it has also no intention to generate revenue by promoting commercial activities like hotels or resorts etc. and it will not promote Parasnath as a commercial tourist place or allow conventional tourism activities there. It is stated that all efforts will be taken to maintain the sanctity of the Parasnath Hill.

23) Petitioner contends that sacrilegious activities are being carried on in Parasnath Hill by the State Authorities themselves, as well as private persons/bodies without any consequences.

In Paragraph 28 of the Writ petition, examples of sacrilegious activities being carried out by the State on the Parasnath Hill have been mentioned in detail. **(p. 23 at p.28).**

They are among others, tourist activities, such as wandering for leisure, engaging in non-religious conversations, or permitting setting up of hotels (Para 28 (x), p.25), Carrying out of business and economic activities such as opening shops or industries, administrative activities, etc. (Para 28(i), p. 25), Usage of vehicle (Para 28(viii), p.25); and construction of structures for non-religious purpose (Para 28 (xvi), p.26).

24) In the counter affidavits filed by the respondents there is no specific denial of the same and they have not been rebutted satisfactorily.

25) Petitioner contended specifically that the Tourism and Forest Departments of the State of Jharkhand have even proposed to organize a Zoo/Jungle safari in the Hill; that as part of the Zoo safari, the Department proposes to arrange for cars or buses on the Hill as well as dining facilities in cafeterias and canteens to be set up on the Hill. (I.A., pp.14-16). The following material is relied on by petitioner in support of the said allegations:

- (i) News Item dt.15.1.2025 in daily news paper “Hindustan”
In September 2023 filed with IA No.1981 of 2025.
- (ii) Times of India News paper report dt.27.03.2023 that the State of Jharkhand had allotted Rs. 2000 crores for developing tourism at five places in Jharkhand, *one being Parasnath Hill*. (WP, Annx 12, p.109)
- (iii) The Dainik Bhaskar (Giridih Bhaskar) report dt.01.01.2024 that new year celebrations were seen at certain spots in the State of Jharkhand including the Parasnath Hill, where a large number of people gather and enjoy picnics to bring in the new year. (WP, Annex 8, p.100)
- (iv) Again, on 19 July, 2024, Jharkhand Tourism department through its official Twitter handle portrayed Parasnath Hill as a tourism centre, inviting tourists. (WP, Annex 13,p.111)
This invitation is not for the purpose of religious tourism.

(v) Further, the Management Plan referred to by the Forest Department also contemplates “*designated nature trails*” and “*designated camp sites*”, which indeed shows that the State has been allowing and facilitating various tourism activities on the Hill, not limited to religious tourism.(Para 13(viii) and (ix), pp.13-14)

(vi) The posts on the Tourism Department’s official social media handle show that the State is promoting tourism other than religious tourism.

26) That such activities have been proposed by the respondents has not been denied in the counter affidavits filed by respondents. They also do not say that such activities are not happening on the Parasnath Hill.

27) When the 2023 Office memorandum has stayed both tourism and eco-tourism activities, we fail to understand how the State Government can act contrary to it and continue to treat the Parasnath Hill as a Tourist place on the basis of it’s notification dt.22.02.2019 and allow/propose the above activities.

28) There is substance in the contention of the petitioner that the language of the 2023 Office Memorandum is broad enough to cover all types of tourism including eco-tourism as well as religious tourism and that both are prohibited.

29) Petitioner also alleges that activities relating to *Mining, including breaking rocks, or digging for non religious purpose*. (Para 28(ii), p.25). Specifically in February, 2023 local newspapers in the State of Jharkhand (Dainik Bhaskar-Giridih Bhaskar) reported instances of illegal mining in

the Parasnath Hill. The report states that if the mining continues, it will threaten the very existence of the Hill. (WP, Annex 11, p.108).

30) This activity also cannot be permitted both under the 2019 Notification and also the 2023 Office Memorandum.

31) Petitioner also contends that there are several structures erected on the Parasnath Hill made for non religious purposes (Para 28 (xvi), p.26). Specifically, Satellite images of the Hill have been filed which show that a multitude of constructions/encroachments have come up on the Hill, particularly in the last decade, compared to (a) satellite images from previous years, and (b) map declassified by the United States Geological Survey dated 17 May 1965. (WP, Annex 21, pp.135-47) to be verified. This allegation appears to be correct.

32) According to the petitioner, the State had permitted polling by setting up polling booths on the Parasnath Hill allowing engaging in prohibited political activity or political discussions. (Para 28 (xxiv), p.27). Reliance is placed on the location of the pooling booths issued by the State Government on its website. (WP, Annex 14,pp.112-14). The material filed by petitioner corroborates the petitioner's plea.

33) Even the above said activities cannot be permitted by the State Government on the Parasnath Hill in view of the 2019 Notification and also the 2023 Office Memorandum.

34) The respondents claim that they are informing local residents about the prohibition regarding consumption of non-vegetarian food and alcohol in the 2023 Office Memorandum. But in our opinion, mere informing some of the local people/visitors to the Parasnath Hill about the

restrictions imposed by the 2023 Office Memorandum, may not suffice. Strict enforcement is necessary.

35) In the other counter affidavits filed the State Government departments have stated that 25 home guards to enforce the prohibitions contained in the 2019 notification and the 2023 Office Memorandum are cited.

Admittedly the Parasnath Hills covers a geographical area of atleast 16000 acres. We cannot expect such a small number of Home Guards to ensure compliance with the restrictions/prohibitions contained in the 2019 notification and the 2023 Office Memorandum.

36) Another contention of the petitioner is that on the Parasnath Hill the State is allowing carrying and consumption of alcohol and non-vegetarian food. (Para 28 (iv), p.25). Specifically, it is alleged that *Anganwadis* and Primary Schools have been set up on the Parasnath Hill. As part of the mid-day meal schemes at these schools, it is alleged that non-vegetarian food such as 'eggs' are being served at these schools. (WP, Annex 16, pp.117-22 and Annex 15, p.115 at p.116, Clause 2.3.2). This requires verification.

The Office Memorandum dt.02.01.2023 specifically directs the State Government to strictly enforce the ban on consumption of non-vegetarian food items on the Parasnath Hill. If such schools and Anganwadis are located on the Parasnath Hill, consumption of non vegetarian food such as eggs cannot be permitted therein.

37) In the counter affidavit filed by the Dy. Commissioner, Giridih and the Superintendent of Police, Giridih however it is sought to be projected

as if the Parasnath Hill and the Parasnath Eco sensitive zone are one and the same. It is stated that in the Eco Sensitive Zone of 25 km, there are a large number of habitations in the Parasnath Eco Sensitive Zone, that there are twenty two villages with 1500 raiyats of whom 250 raiyats belong to the Scheduled Tribe community, and that there are several schools and 24 Anganwadi centers there.

38) As rightly pointed out by petitioners, the PIL is with regard to the Parasnath Hill and not to the area surrounding it.

The 2019 notification states that the Eco Sensitive Zone has extent from zero to 25 km around the boundary of Parasnath and Topanchi Wildlife Sanctuaries and has 208.82 sq.km.

The Annexure to the 2019 notification indicates that Parasnath Hill is one of the 99 villages with village code No.352854 at longitude N.23.9662 and latitude E.86.1399.

39) It is thus clear that the 2019 Notification issued by the Central Government identifies Parasnath Hill as a village by itself for administrative purposes and a separate village code has been assigned to the Hill (WP, p.91).

40) So the 22 villages referred to by Respondents 4 and 5 (R4 and R5's Affidavit dated 17 February 2025, p.17) are distinct villages "*around Parasnath*" and not on the Parasnath Hill (as per the 2019 Notification issued by the Central Government); (WP, p.92); and each of the 22 villages identified in R4 and R5's affidavit dated 17 February 2025 has been assigned a distinct village code under the 2019 Notification. (WP, p.92)

41) The PIL is in regard to only Parsanth Hill / village and it's area and not the entire 208.82 sq.km of Parasnath Eco Sensitive Zone as is sought to be suggested by the respondents.

In our opinion, there are no other villages on the Parasnath Hill because had they existed on it, the notification would have mentioned it.

42) It appears that the respondents are intentionally trying to mislead the Court by arguing that the petitioner is trying to apply the 2019 notification and the 2023 Office Memorandum to the entire Parasnath Eco-Sensitive Zone, because, in our opinion, the PIL is confined only to the Parasnath Hill within the indicated latitude and longitude.

43) Also the Office memorandum dt.05.01.2023 prohibits causing injury to animals on the Parasnath Hill.

So activities such as hunting and sacrifice of animals cannot be permitted by the respondents.

Since it is part of a Wild Life Sanctuary (notified on 21.08.1984 vide Bihar State Gazette Notification S.O.No.1013) as admitted by the Divisional Forest Officer, Wild life Division, Hazaribagh in his counter affidavit, under Section 9 of the Wild Life Protection Act,1972, there is a prohibition of hunting of wild animals specified in Schedules I to IV.

Also Prevention of Cruelty to Animals Act, 1960 and (Section 28) and Rule 14 of the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 restrict the sacrifice and cruelty of animals.

Thus there is a legal framework in force banning hunting and restricting animal sacrifice.

44) Coming to existence of illegal construction on the Parasnath Hill, at paragraph 15 and 16 of their Counter affidavit dt. 17.02.2025, Respondents 4 and 5 have stated that the authorities have issued various notices to shop and business owners from time to time to remove encroachments on Parasnath Hill as well as the road to Parasnath Hill. (pp.9,10).

45) Petitioner contends that a perusal of the notices attached at Annexure D of R4 and R5's counter affidavit show that except one, all the notices had been issued on one single day after filing of the present PIL and not from time to time as alleged by the State authorities, which shows that these notices are concocted and not genuine enforcement measures.

Besides, these notices have been issued for encroachment in Madhuvan village which is at the foot of the Parasnath Hill and not a part of the Hill itself.

46) We find force in this contention of the petitioner because most notices have been issued after the filing of the Writ Petition on 08.01.2025. Also the notices seem to have been issued to shops and businesses outside the perimeter of the Hill rather than on the Hill itself.

47) Further, several instances of unauthorized constructions and encroachments on the Hill remain unaddressed according to the Petitioner's Rejoinder (para 13 and 14, p.8).

48) This is a matter which requires verification and following of due process before action is taken to remove the illegal structures.

49) The learned Advocate General sought to contend that the Parasnath Hill is also an important religious place for worship of Marang Budu , the

Hill deity of the Santhal tribals; and that the Jain Community under the guise of this Public Interest Litigation is trying to interfere with exercise of tribal religious rights and practices on the Parasnath Hill.

50) We find no force in the said contention because there is no pleading of petitioner anywhere objecting about religious practices of Santhal tribals. On the contrary, the learned Senior Counsel for the petitioner assured that the Jain community had no such intention and they would fully respect the religious practices of the Tribals who also come to the Parasnath Hill to worship their deity.

51) Therefore we do not deem it necessary to allow the two intervener applications I.A. No.1820 of 2025 by the Marang Buru Foundation and I.A. No. 4508 of 2025 filed by Marang Buru Sawanta Susanr Baisi, District Committee because there is no conflict between Tribals and members of the Jain Community in this case.

52) For the aforesaid reasons we direct:

- (i) the respondents to take all measures necessary to enforce the 2019 Notification and the 2023 Office Memorandum and ensure strict compliance with the same;
- (ii) the Secretary, District Legal Services Authority, Giridih is directed to visit the Parasnath Hill after issuing notice to the petitioner and to the respondents for purpose of (i) ascertaining whether schools/anganwadis exist on the Parasnath Hill and whether any mining activities are being conducted on it; (ii) how many structures have been erected on the Parasnath Hill and

what is their nature (commercial or residential; and Government /Private);and

(iii) whether such structures have been lawfully erected after grant of appropriate construction permission. The respondents must submit records to the Secretary, District Legal Services Authority, Giridih in this regard to enable the said official to verify the same;

(iv) the Superintendent of Police, Giridih shall increase the number of Home guards on the Parasnath Hill to ensure effective implementation of the 2019 Notification and the 2023 Office Memorandum;

53) The Matter be listed on 21.7.2025 for filing of status reports by the Secretary, District Legal Services Authority, Giridih, and all the respondents of the steps taken to enforce the above directions.

(M.S. Ramachandra Rao, C.J.)

(Deepak Roshan, J.)

MM