

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1584 of 2014

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1. Birendra Sahni Son of Bhabichhan Sahni Resident of Village - Chhotiki Narwar, P.S. Tariyani, District - Sheohat at Present at Village Sibaipatti, P.S. Shaibaipatti District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar
 2. District Magistrate, Muzaffarpur
 3. Sub - Divisional Officer, East Muzaffarpur
 4. Anchal Adhikari Minapur District - Muzaffarpur
 5. D.I.G. Tirhut Rang Muzaffarpur
 6. Superintendent of Police, Muzaffarpur
 7. S.D.P.O. (Sub Division 1 Police Officer), East Muzaffarpur
 8. Safir Alam O/C Sibaipatti P.S. Sub Division Muzaffarpur East, District - Muzaffarpur
 9. Govind Sah Son of Sadhu Saran Sah Village - Sibaipatti, District Muzaffarpur
 10. Satrudhan Sah Son of Shankar Sah Village Narwara, P.O. Taniyari, Distt. - Sheohar
 11. Dharmendra Kumar Son of Mahadeo Sah Resident of Village - Bhagwan Chhapra, P.S. Sibaipatti, District - Muzaffarpur
 12. Lallan Prasad Gupta Son of Bilash Sah Village - Sibaipatti, P.S. Sibaipatti, District - Muzaffarpur
 13. Sargun Sah Son of Tapesar Sah Village - Harahian, P.S. Sibaipatti, District - Muzaffarpur
 14. Suresh Pandit Son of Not Known Resident of Village - Dharampur, P.S. Sibaipatti, District - Muzaffarpur
 15. Kami Singh Son of Not Known Resident of Village - Madhaipur, P.S. Sibaipatti, District - Muzaffarpur
 16. Sheo Kumar Kandoi Son of Ram Bilash Kandoi Resident Mohalla - Purani Gudri, P.S. Mithanpura (Muzaffarpur Town), District - Muzaffarpur
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.
For the Respondent/s : Mr. Kumar Alok, SC-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 25-06-2015 Heard learned counsel for the parties.

The complaint of the petitioner is that the private respondent
herein have made encroachment over the property situated over

C.S. Plot No. 105(Old) C.S. Plot No. 33 (New) of Khata No. 45 situated in village Sibajipatti in the District of Muzaffarpur which property is stated to belong to the Ram Janki Deity which is a public trust registered under the provisions of the Bihar Hindu Religious Trust Act,1950 (hereinafter referred to as 'the Act') and the Rules framed thereunder.

The provisions underlying Section 43D of the Bihar Hindu Religious Trust Act, 1950 enables any trustee or any two persons interested in the religious affairs of the trust to file an application before the Tribunal for removal of the encroachment on a trust property and which application has to be filed with due permission of the Trust Board.

In view of the statutory remedy available to the petitioner under Section 43D of 'the Act', the writ petition is disposed of with a liberty to the petitioner to exhaust the statutory remedy so available to him.

(Jyoti Saran, J)

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