

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.55 of 2015

IN

Civil Writ Jurisdiction Case No. 19296 of 2013

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1. Shree 108 Lakshmi Narayan Jee
 2. Shree 108 Ram Jankijee, null null
 3. Shree 108 Jhula Biharijee
 4. Shree 108 Murlidharjee
 5. Shree 108 Shree Laljee (Shri Krishnajeel Balroop)
 6. Shree 108 Ekal Niraanjanjee (Vishnu Roop)
 7. Shree 108 Damodar Bhagwanjee (Shri Krishnajeel)
 8. Shree 108 Hanumanjee
 9. Shree 108 Samadhi Baba null All Resident of Village - Pacharhi, Popularly Known and Called as Pacharhi Asthan through Present Sabait Mahanth Ram Sewak Das Chela Late Mahanth Jagdesh Das, Village and P.O. Pacharhi, Police Station and Anchal - Keoti, District - Darbhanga
 10. Shree Ramjankijee Established Within Temple in Village - Kusauthar, Anchal - Bahadurpur, District - Darbhanga,
 11. Shree 108 Shree Sitaram Lakshmanjee Established in Temple in Village - Sarjapur (Bishanpur) Tola Parsa, Anchal Keoti, District - Darbhanga,
 12. Shree 108 Ramajankijee, Established in Temple in Village - Kahiwa, Anchal Biroul, District - Darbhanga,
 13. Shree 108 Ramjankijee, Established in Temple in Mohalla - Balbhadrapur Benta Road, (Laheria Sarai) District - Darbhanga (Badly Damaged In Last Earth Quake Of 1988),
 14. Shree 108 Ramjankijee, Established in Temple in Village - Bhakhrauli, Anchal - Madhepura, District - Madhubani,
 15. Shree 108 Ramjankijee, Established in Temple in Village - Ghanjhaur, Anchal - Babu Barhi, District - Madhubani,
 16. Shree 108 Ramjankijee, Established in Temple in Village - Jamaila, Anchal - Adhratharhi, District - Madhubani,
 17. Shree 108 Ramjankijee, Established in Village - Digaus, Anchal - Pandaul, District - Madhubani,
 18. Shree 108 Ramjankijee, Established in Temple in Village - Bhatauli Bhagwan, Anchal - Lalganj, District - Vaishali,
 19. Shree 108 Ramjankijee, Established in Temple in Village - Rampur, Anchal - Aurai, District - Muzaffarpur,
 20. Ram Sewak Das, Chela Mahanth Late Jagdish Das Pacharahi Authan Village and P.O. Pachrahi, P.S. Keoti, District - Darbhanga

.... Appellant/s

Versus

1. The State of Bihar.
2. The Collector, Darbhanga
3. The Additional Collector, Darbhanga
4. The Land Reforms Deputy Collector, Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : M/S.Keshav Srivastav,Sr.Adv. Bhubneshwar Prasad & Vijay Shankar Singh

For the Respondent/s : Mr.Suman Kumar Jha,AC to AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-07-2015

This appeal is filed against the order dated 22-7-2014 passed by a learned single Judge in C.W.J.C. No. 19296 of 2013.

2. Appellant nos. 1 to 19 are the religious institutions and temples said to have been established by Sri Ram Sewak Das, Chela, Mahanth Late Jagdish Das Pacharahi, 20th appellant herein. The appellants are endowed with a large extent of land aggregating 600 acres in various Districts.

3. The proceedings under the Bihar Land Reforms(Fixation of Ceiling Area and Acquisition of Surplus) Land Act(for short, the Act) were initiated in respect of these properties. The matter was pending before the Additional Member, Board of Revenue, Bihar, as Board Revision Case No. 47 of 1992. The Case of the appellants was dismissed by the Additional Member, Board of Revenue, on 25-5-1998 by refusing the prayer for adjournment, and the restoration application was dismissed on 24-8-1998.

4. The appellants pleaded that they entrusted the matter to a Pairvikar by name Asheswar Yadav for pursuing the proceedings, and for one reason or the other, he did not inform them the result, and that the present Shebait, Ramsevak Das, himself came to Patna in 2013, and on verification, he found that an order of dismissal was passed in the year 1998.

5. The appellants filed the writ petition challenging the order 24-8-1998. The delay was attributed to mostly to the inaction and negligence on the part of the Pairvikar. The learned single Judge was not impressed by the reasons

for delay in filing the writ petition and, accordingly, dismissed the writ petition.

6. Heard Mr. Keshav Srivastava, learned senior counsel for the appellants and Mr. Suman Kumar Jha, learned counsel for the respondents.

7. From the very cause title, it is clear that appellant nos. 1 to 9 are temples. By applying the provisions of the Act to the lands of temples also, an attempt was made to declare such lands as surplus. It was on the basis that all the temples were established by the same agency or individual.

8. The main plank of the argument is that these Temples are individual entities headed by the respective Deities, and instead of allowing one standard holding to each of the Temples, the authorities have clubbed all of them, together.

9. It is no doubt true that there was delay in approaching this Court for challenging the order dated 24-8-1998 . In the writ petition ,a detailed account of the developments that warranted the delay was furnished. It was mentioned that the matter was entrusted to Asheswar Yadav and he did not inform any of the appellants at all, and that the factum of dismissal of the Case came to light only when one of the appellants went to the Office directly.

10. The proceedings that are initiated or pursued by the institutions, such as temples, Government, Government Corporations stand on a footing different from that those pursued by individuals or commercial Corporate agencies. Unless there is an efficient management for any religious institution, the persons handling them would not be concerned much about the properties. In the recent past, Hindu religious institutions in the State of Bihar have been subjected to lot of negligence and their survival depends upon the attention or mercy of those who are incharge of them. The attacks and encroachments by private individuals occur hardly without any resistance and sometimes with cooperation

and assistance of the Government. This is not a case where the temples are given Government land and the appellants want to retain it. They want, just to protect the property that has accrued to them . The State , in fact, is required to protect these properties.. We are of the view that the appellants need to be given an opportunity and the State must also make all efforts to ensure that the properties attached to Temples are protected, since they are for the common good of the society.

11. Hence, we allow the appeal and set aside the order dated 22-7-2014 passed by the learned single Judge. Consequently, we allow the writ petition , set aside the order dated 24-8-1998 and restore the proceedings. We direct that the land, which is the subject matter of the proceeding, shall not be allotted or assigned to any one and the appellants shall be entitled to remain in possession of the same. At the same time, the income that is derived by way of rent etc. shall be invested for the improvement of the temples. The Additional Member, Board of Revenue, who passed the order dated 24-8-1998 shall issue fresh notice to the appellants and decide the matter on merits within three months. The authorities of the police and Revenue administration shall be under obligation to extend protection to the appellants to preserve the properties held by them.

12. There shall be no order as to costs.

B.Roy/-AFR

(L. Narasimha Reddy,CJ)

(Sudhir Singh, J)

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