

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4607 of 1999

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1. Jawahar Prasad Gupta son of Late Mahesh Ram.
 2. Hira Prasad Gupta son of Late Mahesh Ram.
 3. Rameshwar Prasad Gupta son of Late Hanuman Ram.
 4. Bihari Lal @ Bihari Lal Agrawal son of Late Sant Lal Agrawal.
 5. Bansi Prasad Gupta son of Late Ganesh Ram.
 6. Rang Nath Gupta son of Rameshwar Prasad Gupta.
 7. All residents of village Purani Bazar, P.S. Ram, Nagar District West Champaran.
- Petitioner/s

Versus

1. The State of Bihar.
 2. Bihar State Board of Religious Trust.
 3. The SDO, Bagaha, West Champaran.
 4. Abhay Kumar Pandey son of Shri Bashishtha Pandey.
 5. Nirbhay Kumar son of Shri Arjun Kumar.
 6. Shri Bhuneshwar Singh son of Shri Jamuna Singh.
 7. Sanjay Kumar son of Arjun Kumar.
 8. Sukant Rao son of Gautam Rao.
 9. Ekballi Yadav son of Shri Shankar Yadav.
 10. Sl.No. 4 to 9 are so called members of the Trust Committee,
 11. Residents of village Ram Nagar P.S. Ram Nagar District West Champaran.
- Respondent/s
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Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Adv.
M/s B.K.Mishra & S.N.Rai, Adv.
For the Respondent no.2 : Mr. Shekhar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date: 26-02-2015

Heard counsel for the petitioners and for the respondents.

In the present case, petitioners are challenging Memo No 841 dated 29th June 1998 by which a fresh scheme has been prepared giving names of 11 persons to manage the trust which has been created in the name of Lakshmi Narayan.

As per the scheme of the petitioner, Mahesh Ram was the ancestor of the petitioner who executed *Samarpan-nama* in the name of Lakshmi Narayan and he himself became the Sewait for the management of the temple till his life time and also provided the method for filling up the vacancies caused. In the

year 1989 Mahesh Ram died and in his place, Jawahar Prasad Gupta was nominated and Rajnath Gupta was made the Sebait in the year 1997.

On 8th September 1989, Vishwanath Prasad Jhunhunbala, Bal Krishna Prasad Gupta and Baidyanath Prasad Gupta were nominated and were managing the trust. It appears that Nirbhay Kumar himself became the Secretary of the Committee as has been claimed that he was tenant of the premises of the trust is not known and understandable why and in what manner he was inducted as a member of the trust replacing the petitioners and that too, without giving any notice and without even serving the impugned order. Section 32 of the Bihar Hindu Religious Trust Act, 1950 itself provides that the scheme can be changed after giving them opportunity of being heard and in the present case the same is completely silent.

Counsel for the Board submits that they themselves have given a letter for enlistment of change of scheme and in such view of the fact, when a new scheme was introduced in constitution, there was no need of giving them any notice.

Counsel for the petitioners has also submitted the narration made in trust deed shows the trust is a private trust which has been disputed by the respondents.

Much time has already elapsed this Court is of the view that this conflicting fact cannot be decided in this jurisdiction. In such view of the matter, let the Board initiate a fresh proceeding and after hearing the petitioners decide the issue raised by them with respect to membership of Managing Committee and status of the trust.

For the convenience of the parties, as agreed, let the petitioners appear before the Board on 27th March 2015. If the petitioners remain present on

the aforesaid date, the Board is directed to hear them and decide the issue within a period of three months from the 1st day of the sitting. It goes without saying that if the petitioners fail to appear, the Board will be at liberty to decide the issue even ex parte.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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