

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18106 of 2014

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Mahanth Vikrama Das Son of Raksha Mishra, Chela late Laxman Das
resident of village Lakhaniapur, Jahari Dih Math, P.S. - Paharpur, District -
East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Administrator cum Special Work Officer of President, Bihar State
Board of Hindu Religious Trust, Vidyapati Marg, Patna-1
3. The District Magistrate East Champaran.
4. The Sub Divisional Officer Areraj, East Champaran.
5. The Circle Officer, Paharpur Circle, East Champaran.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Shailendra Kumar Tiwary, Advocate

For the Respondent/s : Mr. Anil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 29-01-2015 CWJC No.18106 of 2014 with I.A. No. 7983 of 2014

Mr. Shailendra Kumar Tiwary for the petitioner, counsel
for the State and Mr. Ganpati Trivedi, learned senior counsel for
the Religious Trust Board are present.

Although the writ petition was filed requiring a direction to
the Trust Board to accept the fee from the petitioner but during the
pendency of the writ proceedings, an order has been passed by the
Bihar State Board of Religious Trust bearing Memo No. 770 dated
4.9.2014 whereby the petitioner has been removed from the post
of Mahanth by the Board in exercise of powers vested under
Sections 28(2) (h) (iii) (v) (vi) of the Bihar Hindu Religious Trust
Act, 1950 (hereinafter referred to as 'the Act'). The said order has
been placed on record by way of interlocutory application bearing

I.A. No. 7983 of 2014.

Mr. Ganpati Trivedi learned senior counsel appearing for the Board has submitted that the order is appealable under Section 28(3) of 'the Act' before the District Judge.

Mr. Tiwary submits that as the order has been passed during the pendency of the present writ petition the limitation prescribed has since expired.

In view of the alternative remedy so available to the petitioner under Section 28(3) of 'the Act', the writ petition is disposed of affording him liberty to exhaust the remedy of appeal so available to him.

It goes without saying that any Miscellaneous Case being filed on behalf of the petitioner to question the order of removal under Section 28(3) of 'the Act' before the District Judge within four weeks' from today if accompanied with a petition for condonation of delay, would be considered by the court below on its own merits and disposed of in accordance with law bearing in mind the pendency of the issue before this Court.

(Jyoti Saran, J)

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