

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7923 of 2011

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1. Sri Ramjanki Mandir Through Kailash Prasad Gupta Sebait son of Late
Puran Das Gupta Resident Of Village +P.O.- Abjuganj, P.S.- Sultanganj,
Distt.- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate Bhagalpur
3. S.P. Sultanganj
4. Officer In Charge Sultanganj
5. Anchal Adhikari Sultanganj
6. Bhangi Sah son of Late Makundi Sah Resident Of Village+P.O.-
Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur
7. Mahesh Sah son of Saudagar Sah Resident Of Village+P.O.- Abjuganj,
P.S.- Sultanganj, Distt.- Bhagalpur
8. Arm Sah son of Late Jagdish Sah Resident Of Village+P.O.- Abjuganj,
P.S.- Sultanganj, Distt.- Bhagalpur
9. Bhushan Sah son of Ramdhani Sah Resident Of Village+P.O.- Abjuganj,
P.S.- Sultanganj, Distt.- Bhagalpur
10. Ramswaroop Sah son of Late Parmeshwar Sah Resident Of
Village+P.O.- Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur
11. Shankar Sah son of Late Parmeshwar Sah Resident Of Village+P.O.-
Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur
12. Deep Narayan Sah son of Raupan Sah Resident Of Village+P.O.-
Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur
13. Sajan Sah son of Deep Narayan Sah Resident Of Village+P.O.-
Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur
14. Bhagwan Sah son of Rupan Sah Resident Of Village+P.O.- Abjuganj,
P.S.- Sultanganj, Distt.- Bhagalpur
15. Arbind Sah @ Phupattia son of Late Hiralal Sah Resident Of
Village+P.O.- Abjuganj, P.S.- Sultanganj, Distt.- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

6 23-11-2015

Heard the counsel for the petitioner. No one has
appeared on behalf of the State.

Petitioner claims himself as Shebait of Sri Ramjanki



Mandir on the basis of finding(s) recorded by the Civil Court in a suit which got affirmed in appeal. It has been alleged that the keys of the temple was forcibly taken by the Circle Officer in collusion with private respondent who claim as the agnates of the petitioner. He is not being permitted to go to the temple and /or to take care of the deity. A prayer therefore has been made to direct the respondents to hand over the key of the Thakurbari after getting it back from respondent no.11, Shankar Sah.

The respondent State has filed a counter affidavit wherein a stand has been taken that the religious institution has been taken over by the Bihar Hindu Religious Trust Board, Patna (for short 'the Board'). However, there is no relevant material or document on the records to hold that the Thakurbari in question has indeed been taken over by the Board. This Court is, thus, not required to go into that aspect of the matter. What has been stated in the writ petition is that the key of the temple/Thakurbari has been taken by the private respondent through the Circle Officer and as such a writ of mandamus be issued to give the key back to him after retrieving from respondent no.11. On the face of it, it appears that inter se dispute between the petitioner and his other agnates is being raised in this case. According to the petitioner, the keys are with the respondent

no.11. There are materials on record and also the submission of the parties to suggest that the private respondents are also claiming land, which, according to the writ petitioner, belongs to Thakurbari. In the setting of these facts, it is difficult for this Court to pass any positive order.

The writ application stands disposed of leaving the petitioner to seek remedy before appropriate authority or forum in accordance with law.

(Kishore Kumar Mandal, J)

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