

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9305 of 2013

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Chandrawati Devi, wife of Birendra Prasad Singh, resident of Village- Sareya, P.S- Goh, District- Aurangabad.

.... Petitioner.

Versus

1. The State of Bihar through the District Magistrate, Aurangabad.
 2. The Deputy Collector, Land Reforms, Daudnagar, District- Aurangabad.
 3. The Circle Officer, Goh, District- Aurangabad.
 4. The Bihar Hindu Religious Trust Board, Vidyapati Marg, Patna, through its Chairman.
 5. Dhananjay Singh, son of Late Chandeshwar Singh
 6. Ram Sekhar Singh, son of Late Ram Nandan Singh
 7. Chandradip Singh, son of Awadh Singh
 8. Ram Ishwal Singh, son of Late Shivnandan Singh
 9. Jitendra Kumar Yadav, son of Bachu Yadav
 10. Gopal Ravi Das, son of Late Kariman Das
- All (5 to 10) resident of Village- Saraiya, (Goh), P.S- Goh, District- Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kamal Nayan Choubey, Sr. Advocate
Mr. Ambuj Nayan Choubey, Advocate
Mr. Yogendra Kumar Diwedy, Advocate
Mr. Dineshwar Pandey, Advocate

For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP 25.

For Respondent No.4 : Mr. Shekhar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 21-07-2015

The petitioner's case in short is that one Mostt. Ilamabs Kuar constructed house on plot no. 759 and 757 in village Sareya, P.S. Goh, District- Aurangabad and installed deities and gifted 7.25 acres of her raiyati land in favour of Thakurbari (Mandir) through herself as Mutwali vide registered deed of gift dated 10.01.1964. In the revisional survey the house with Sahan was recorded in plot no. 759. The deity installed in the residential house has no temple



structures. However, the Religious Trusts Board held the same to be a public trust. The petitioner, who is descendant of Most. Ilambas Kuar filed writ application giving rise to C.W.J.C. No. 2741 of 2012. The matter was finally disposed of on 06.07.2012. The learned Single Judge set aside the order dated 23.12.2010 holding the trust to be public trust, as no opportunity of hearing was given to the petitioner and the matter was remitted to the President of the Board. This Court further observed that until fresh order adverse to the petitioner is passed, the authorities of the Board will not interfere with the possession of the petitioner over her residential house, which she has claimed to also as part of the endowment.

2. The order of the learned Single Judge dated 06.07.2012 was carried in appeal. The appellate court set aside the order for non-impleadment of necessary parties. Thereafter the instant writ application has filed in which all the trustees have been made party.

3. It appears that the Division bench had set aside the order of the Single Judge not on merit but only on the ground of non-joinder of necessary party, as such I find that the impugned order dated 23.12.2010 was passed without giving an opportunity of hearing to the petitioner, who was an interested person, as such I set aside the order dated 23.12.2010 and remit the matter to the President of the Bihar State Religious Trust Board to pass a fresh order after hearing

the relevant parties during the proceeding.

4. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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