

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.925 of 2015

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1. Upendra Prasad Yadav son of late Anandi Yadav resident of Maharaji,
P.S. Janki Nagar, Distt. Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Purnea.
2. The Chairman Bihar State Board of Religious Trust, Vidyapati Marg,
P.S.& District Patna.
3. The Sub-Divisional Officer, Banmankhi, Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Respondent/s : Mr. Ganpati Trivedi, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 02-04-2015 Heard Mr. Ajit Kumar Singh, learned counsel for the
petitioner and Mr. Ganpati Trivedi, learned Senior counsel for the
Religious Trust Board.

The petitioner has sought to question a letter issued by the
Chairman, Bihar State Religious Trust Board dated 22.10.2014
placed at Annexure-6 to the writ petition whereby the Sub
Divisional Officer, Banmankhi, District Purnea has been directed
to ascertain the names for constitution of Trust Committee. The
counter affidavit filed on behalf of the Board manifest that an
order was passed on 12.8.2014 by the President declaring the trust
of which the petitioner claims to be Shebait, to be a Public Trust.
The order placed at Annexure-B dated 12.8.2014 further reflects

that the petitioner has participated in the proceedings but has never bothered to question the declaration of trust to be a Public Trust.

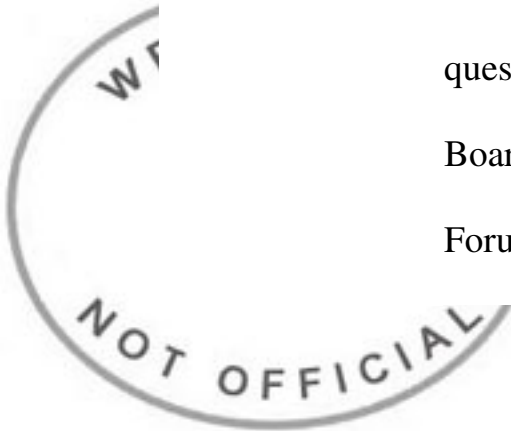
Mr. Ganpati Trivedi, learned Senior counsel for the Religious Trust Board with reference to the subsequent order passed in the proceedings on 15.9.2014, a copy of which is placed at Annexure-C to the counter affidavit submits that it is on suggestion of the petitioner himself that the letter at Annexure-6 has been issued and which is now sought to be questioned by the petitioner.

Mr. Singh while questioning the communication at Annexure-6 has raised an issue that the nature of the trust is private and that it is not a Public Trust. It is further contended that the evidence led by the petitioner on the issue was not considered by the President while passing the order declaring it to be Public Trust.

Section 28(2)(u) of the Bihar Hindu Religious Trust Act, 1950 provides for a remedy to a party aggrieved by a declaration of a trust as a Public Trust and which remedy lies before the competent court which in the present case would be the District Judge, Purnea.

In the circumstances, this Court is not persuaded to interfere with the letter issued by the President to the Sub Divisional

Officer with respect to the constitution of the Trust Committee and the writ petition is disposed of with liberty to the petitioner to question the order dated 12.8.2014 passed by the President of the Board declaring the trust as a ‘public trust’ before the appropriate Forum, if so advised.



(Jyoti Saran, J)

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