

IN THE HON'BLE HIGH COURT OF MADHYA PRADESH, JABALPUR.

Writ Petition No. 286 of 1995

PETITIONERS:

1. Sheorinarayan Temple and Math,
a registered public trust,
through : Managing Trustee
Mahant Vaishnavdas, Sheorinarayan
Temple, Bilaspur (M.P.)
2. J. N. Thakur, Secretary of
Sheorinarayan Temple and Math,
s/o Shri Nagendra Nath Thakur,
aged about 59 years, resident
of Purani Basti, Raipur (M.P.)

1-8-2013

Attested

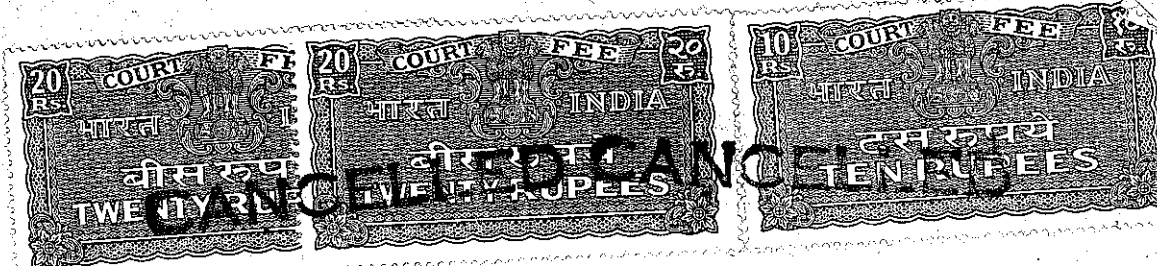
Sd/-
AR(J)

-Versus-

RESPONDENTS:

1. Registrar of Public Trust-cum-
Collector/District Magistrate,
Bilaspur (M.P.)
2. Sub Divisional Officer, Janjgir,
District-Bilaspur (M.P.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF
CERTIORARI, MANDAMUS AND FOR ANY OTHER WRIT/WRITS,
DIRECTION/DIRECTIONS OR ORDER/ORDERS.



IN THE HON'BLE HIGH COURT OF MADHYA PRADESH, JABALPUR.

Writ Petition No. 286 of 1995

Petitioner No.1:-

Sheorinarayan Temple and MATH
registered public trust,

*Amended as per
order dt 25/6/13 &
31/7/13*

Through - Managing trustee Mahant
Ramsunder Das, Chela Late Vaishnav
Das residence of Sheorinarayan Temple
and math, Sheorinarayan Distt. Janjgir-
Champa (C.G.)

*AShet Das Vaishnav
not*



HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: **Hon'ble Shri Justice P. Sam Koshy**

Writ Petition No. 286 of 1995

Petitioners

Sheorinarayan Temple and Math,
registered public trust and another

VERSUS

Respondents

Registrar and another

Present: Shri HB. Agrawal, Sr. Advocate along with Shri Ashok Das
Vaishnav, counsel for the petitioners.
Shri B. Gopa Kumar, Dy. AG for the State.
Smt Hameeda Siddiqui along with Shri BP. Banjare, counsel
for the intervenor.

Oral Order
(03.02.2015)

By way of the instant petition, the petitioner has questioned the action on the part of the respondents dated 20.01.1995 (Annexure P-5) wherein the Registrar, Public Trust i.e. the Collector, Bilaspur had appointed an Administrator for looking after the affairs of the Trust.

2. Counsel for the petitioners submits that on an earlier occasion also, an order in this regard was also passed on 9.5.1994 which was put to challenge in writ petition i.e. Writ Petition No.2241/1994 and the High Court of Madhya Pradesh, vide its order dated 28.06.1994, had directed the Registrar, Public Trust under the Public Trust Act, that before giving effect to the order dated 9.5.1994, it should fix the case before him after affording full opportunity to the petitioner on the alleged various complaints received by the Registrar.

3. According to the petitioners, without affording an opportunity of hearing contrary to the directives given by the High Court in Writ Petition No.2241/94 vide order dated 28.6.1994, the Registrar has now passed the impugned order dated 20.01.1995. He further submits that the said impugned order dated 20.01.1995 was put to challenge by the instant writ petition and this court, vide its order dated 06.02.1995, had ordered to maintain status quo and till date, the said interim order dated 6.2.95 is in operation. Meanwhile, the Trust was being managed and operated by the trustees appointed therein. He further submits that on 14.11.07, this

Court had granted an opportunity to the State to inspect and verify the statements of the accounts of the Trust and thereafter to file a report in this regard.

4. The State, in compliance of the order dated 14.11.2007, had directed the Sub Divisional Officer (Revenue), Distt. Janjgir to get the inspection/verification of the records of the Trust done and the Sub Divisional Officer (Revenue) in turn, had engaged one Madanlal Agrawal, Chartered Accountant, Bilaspur for audit and for submission of a special audit report for the financial year 1996-97 to 2005-06.

5. The said Chartered Accountant, vide his report dated 23.02.2008, had submitted a special audit report to the Sub Divisional Officer (Revenue), Janjgir who has also, by then become the Registrar, Public Trust, Janjgir and the said report was taken note of by the Sub-Divisional Officer (Revenue) and Registrar, Public Trust, Distt. Janjgir had in turn, submitted a report dated 11.4.2008 (Annexure-C).

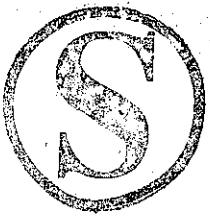
6. A perusal of the special audit report of the Chartered Accountant as well as the report submitted by the Sub-Divisional Officer and Registrar, Public Trust, Janjgir shows that there was no anomaly or irregularity detected in the course of conducting the audit pertaining to the statements of accounts of the Trust and therefore, it does not appear that there was any sort of irregularity or embezzlement in the accounts of the Trust which could have been detected.

7. In the light of the said report, it appears that the impugned order dated 20.01.1995 was apparently passed in total contravention to the directives given by the High Court in Writ Petition No.2241/1994 and therefore, the same is not sustainable.

8. The State counsel also accepts the fact that after the High Court having disposed of the earlier Writ Petition i.e. W.P. No.2241/94, the petitioners were never given an opportunity of hearing to explain on the alleged complaints which the Registrar had received and that no subsequent inquiry or an investigation has been conducted by the Registrar before the impugned order (Annexure P-5) was passed.

9. In the light of the submission of the State counsel and also taking note of the fact that the matter is pertaining to the year 1995 and by virtue

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of the interim order dated 6.2.95, status quo in respect of the affairs of the Trust was being taken care of by the trustees and the statements of accounts of the Trust for the year 1996-97 to 2005-06 also could not point out any irregularity in the statements of the accounts of the Trust. Thus, this Court is of the opinion that no fruitful purpose would be served in case the impugned order dated 20.1.995 (Annexure P-5) is continued. Accordingly, the same deserves to be and is accordingly set aside/quashed.

10. Needless to mention that it is expected that the Trustees shall continue to abide by the provisions of the Public Trust Act without fail.

11. With the above observation, the instant Writ Petition stands allowed and disposed of. No order as to costs.

Priya

Sd/-
P. Sam Koshy
Judge