

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5007 of 2016

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Shree Mahanth Amod Goswami, son of late Sipahi Goswami, Kabir Panthi Math,
village - Karara Basantpur, P.O. - Basantpur, P.S. - Ara Muffasil, District -
Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara.
 2. The Superintendent of Police, Bhojpur at Ara.
 3. The Deputy Collector, Land Revenue Bhojpur, Ara.
 4. The Circle Officer, Sadar, Ara, District - Bhojpur.
 5. The President, Bihar State Board of Religious Trust, Vidyapati Marg, Patna -
800001.
 6. Ramanuj Singh, son of Ram Chandra Singh
 7. Braj Mohan Singh
 8. Sheo Mandal Singh
 9. Jai Mangal Singh
 - All sons of late Hukumdeo Singh
 10. Omkar Singh, son of Shesh Singh
 11. Shakin Singh, son of Bhuneshwar Singh
- Respondent nos. 6 to 11 are residents of village - Basantpur, P.S. - Ara Muffasil
(Dhobha O.P.), District - Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.
For the State : Mr. Vivek Prasad, G.P. -7
For the Religious Trust Board : Ganpati Trivedi, Sr. Advocate.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 03-08-2016

Heard parties.

Through this writ application, the petitioner, who claims
to be temporary trustee of Math having been appointed as such by the
Bihar State Religious Trust Board (hereinafter referred to as “the
Board”) vide Annexure-1, seeks direction for removal of
encroachment from the landed property of the Math which stands

described in Annexure-2.

It is contended that several letters were written to the concerned authority and even the President and Superintendent of the Board had also written to the District Magistrate vide Annexures-3 and 8 and even the Additional Collector had also written to the Circle Officer, Sadar Ara, for removal of such encroachment, but surprisingly, no step has been taken as yet.

However, learned counsel for the Board has drawn attention of this Court towards Section 43D of the Bihar Hindu Religious Trust Act, 1950 (hereinafter referred to as the “Act”) under which any trustee or persons interested in the Religious affairs of the trust, with the permission of the Board, may file an application before the Tribunal for removal of encroachment.

In such a situation, this Court would grant liberty to the petitioner to file application for grant of permission, though, vide Annexure-7, the Superintendent of Board has advised the petitioner to file such an application before the Tribunal still the permission has to be granted by the Board.

Accordingly, let the petitioner file an application for grant of such permission which should be considered and decided by the Board within one week of filing of the same along with a copy of this order. Thereafter, on grant of such permission, the petitioner

would be at liberty to file an application under Section 43D of the Act, which should be considered and decided by the Tribunal expeditiously preferably within a period of four months after granting reasonable opportunity in accordance with law to all the concerned parties.

This writ application stands disposed of.

(Dr. Ravi Ranjan, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.08.2016
Transmission Date	N/A