

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3134 of 2016**

1. Raghuvansh Mani Tiwari S/o Late Shri Satyanarayan Tiwari, Aged About 73 Years R/o Sadar Bazar, Bilaspur, Tahsil & Dist. Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Public Trust, Mahanadi Bhawan, Raipur, Tah. & Dist. Raipur (Chhattisgarh)
2. Collector, Rewa/Registrar, Public Trust, Administrator Shri Lakshaman Bag Sansthan, Rewa (Madhya Pradesh)
3. Collector, Bilaspur/Registrar, Public Trust, Tah. & Dist. Bilaspur (Chhattisgarh)
4. Shri Lakshaman Bag Sansthan, Rewa, Through Administrator Lakshaman Bag Sansthan, Rewa (Madhya Pradesh)

---- Respondent

For Petitioner Shri H.V. Sharma, Advocate

For Respondent/State Shri Ramakant Mishra, Dy. Adv. General

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

16/12/2016

1. In the present petition under Article 226 of the Constitution of India the petitioner is seeking issuance of writ of certiorari to quash the order of handing over the possession of property belonging to the Laxmi Narayan Temple ('the temple' for brevity) and the charge of office of the Pujari to the respondent No.4. The petitioner is also seeking restoration of possession of property belonging to the temple and the charge of the office of the Pujari to him.
2. It appears the property of the Laxmi Narayan Temple, Sadar Bazar, Bilaspur belongs to the respondent No.4 Trust, whose office is at Rewa (Madhya Pradesh). One Shri 1008 Shri Swami Raghwacharya Ji Maharaj Mahant of Laxman Bag, Rewa/respondent No.4 preferred a civil suit No.78-A/67 seeking declaration that he is the Manager and working trustee of the temple and is, therefore, entitled to the possession of the temple and the office of the Pujari. He also sought a direction that the order passed by the Registrar, Public Trust in Revenue Case No.1-B-113 (i)/1964-65 dated 18.05.1965 is illegal and void.
3. By judgment and decree dated 12.08.1969 the suit was decreed in the following terms :

In result, the suit succeeds and is decreed with costs. It is hereby ordered and declared that the plaintiff alone is the manager and working trustee of the temple of Laxminarayan Bhagwan and its property situated at Sadar Bazar Bilaspur and that the order passed by the Registrar Public Trust in Rev. Case No.1-B-113(i) /64-65 on 18.5.65 is illegal and void and further the defendant No.4 is directed to correct its records accordingly. Defendants Nos. 1, 2 and 3 shall handed over the charge to the plaintiff . The defendants 1, 2 and 3 will bear their costs and the costs of the plaintiff. Defendant No.4 will bear its own costs.

4. On the strength of the above said decree, the trust appointed Shri Prasanna Mishra, S/o Sridhar Mishra, R/o Juni Line, Bilaspur as temporary Pujari. Acting on the said order, the Sub Divisional Officer (Revenue), Bilaspur passed an order directing handing over possession of temple and charge of Pujari to Shri Prasanna Mishra. Against the said order, the petitioner preferred revision application before the Additional Collector, Bilaspur, which was rejected on 05.09.2008 and

thereafter his further revision was dismissed by the Board of Revenue, Chhattisgarh, Bilaspur on 15.01.2009. The petitioner has also preferred a civil suit No.12-A/2009 in the Court of 3rd Civil Judge, Class-II, Bilaspur, wherein his prayer for temporary injunction was rejected on 30.10.2009.

5. I have heard learned counsel appearing for the petitioner at length and perused the record.
6. The writ petition is frivolous and vexatious. I say so because the rights of the parties have already been settled by decree passed by the Civil Court way back in 1969 and thereafter the charge has been handed over to the Pujari in view of the order passed by the Collector, Rewa (Madhya Pradesh). The petitioner's prayer for temporary injunction has already been rejected by the Court of 3rd Civil Judge, Class-II, Bilaspur.
7. In view of the determination by the Civil Court, there is no legal right in favour of the petitioner to continue to work as Pujari and for possession of the temple. He is unnecessarily litigating in the matter in complete defiance and violation of the decree passed by the Civil Court.

8. Since the petition is wholly unnecessary and vexatious, the same is liable to be and is hereby dismissed with costs quantified to the tune of Rs.50,000/- (Rupees Fifty Thousand Only). The petitioner shall deposit the cost with the Collector, Bilaspur, within a period of two months from today, which shall be paid by the Collector, Bilaspur to the deity of Laxmi Narayan Temple, Sadar Bazar, Bilaspur.
9. It is made clear that if the petitioner fails to deposit the cost as stated *supra*, within the stipulated period, the Collector, Bilaspur, shall realise the amount as arrears of land revenue for its payment to the deity of Laxmi Narayan Temple, Sadar Bazar, Bilaspur (Chhattisgarh).

Sd/-

Judge
Prashant Kumar Mishra

Gowri