

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1007 of 2017

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Sri Nand Kishore Das, Chela Late Mahanth Amar Das, Sri Radha Krishna Mandir
at Village- Gangapur, Tole - Bhelwa, Post - Daiya Kharwar, P.S. Lakhnaur, District
- Madhubani.

.... Petitioner/s

Versus

1. Bihar State Board of Religious Trust, Vidyapati Marg, Patna - 800001 through
its Chairman/Administrator of the Board.
2. The Administrator, Bihar State Board of Religious Trust, Vidyapati Marg, Patna
- 800001.
3. Sri Rajesh Kumar Srivastava, Superintendent, Bihar State Board of Religious
Trust, Vidyapati Marg, Patna - 800001.
4. The Sub-Divisional Officer, Jhanyharpur, District - Madhubani.
5. Ajab Lal Mahto, Son of Late Rameshwar Mahto, Resident of Village and Post -
Gangapur, P.S. Lakhnaur, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Upendra Mishra and Mr. Nawal Kishore Singh, Advocate
For the Trust	:	Mr. Ganpati Trivedi, Sr. Advocate Mr. Manoj Kumar, Advocate
For the Respondent No. 5	:	Mr. Ugranath Mallik, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-03-2017

Heard learned counsel for the parties.

The petitioner has moved the Court for quashing of
the order dated 08.12.2016 passed by the respondent no. 2 by which
he has been removed from the post of Trustee (Mahanth) of Sri



Radha Krishna Parnami Mandir under the provisions of the Bihar Hindu Religious Trusts Act, 1950.

After some arguments, learned counsel for the respondents no. 1 and 2 raised a preliminary objection with regard to maintainability of the writ petition in view of there being an alternative remedy available to the petitioner for filing objection before the District Judge, Madhubani.

Learned counsel for the respondent no. 5, who was the complainant before the respondent no. 1 submitted that the petitioner has been misusing his authority.

Be that as it may, without going into the submissions of either of the parties, in the considered opinion of the Court, there being an equally efficacious alternative remedy available to the petitioner of moving before the District Judge, Madhubani, this Court is not inclined to entertain the writ application, at the present stage.

Accordingly, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum. If such an application is filed within three weeks from today, along with a copy of this order as well as a petition seeking stay of the order impugned, the authority shall, after hearing the parties, pass appropriate order with regard to any interim order which may be required in the case, within one month from the date of filing of the



case. Till then, the order impugned shall not be given effect to.

As assured by learned counsel for the petitioner, he shall not alienate any land of the Trust in question in the meantime.

(Ahsanuddin Amanullah, J.)

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