

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 2038 of 2017

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Company Mandal, S/o Late Nand Kishore Mandal, resident of Village- Rampur Alauli, P.S. & P.O.- Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The Bihar State Board of Religious Trust through its Administrator, Vidyapati Marg, Patna.
2. The Administrator, the Bihar State Board of Religious Trust, Vidyapati Marg, Patna.
3. The Superintendent, the Bihar State Board of Religious Trust, Vidyapati Marg, Patna.
4. The District Magistrate, Khagaria.
5. The Sub Divisional Magistrate, Khagaria.
6. The Sub Divisional Police Officer, Khagaria.
7. The Circle Officer, Alauli, Khagaria.
8. The Office-in-Charge, Alauli, P.S. Khagaria.
9. Ajay Mandal, S/o Chandra Kishore Mandal, resident of Village- Rampur Alauli, P.S. & P.O.- Alauli, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh and
Mr. Vagisha Pragya Vacaknavi, Advocates

For the Respondent/s : Mr. Ganpati Trivedi,
Ms. Pallavi Pandey and
Mr. Madan Mohan, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-08-2017

Heard learned counsel for the petitioner and Bihar State Board of Religious Trusts (hereinafter referred to as the 'Board').

2. The petitioner has moved the Court for the following reliefs:

“1. That this is a writ petition on behalf of the petitioner for issuance of a writ of certiorari of writs in the nature thereof or any other appropriate writs/orders/directions for quashing



registration No. 4429/2016 in respect of Durga Mandir situated in Village- Rampur Alauli, Khagaria granted by Respondent No. 1 on the fraudulent application of Respondent No. 9. The petitioner is not in power and possession of order of registration in question and therefore, the same is not attached herein.

2. That the petitioner is a citizen of India and as such he is invoking the Extra- Ordinary Original Writ jurisdiction of the Hon'ble High Court for the reliefs prayed in this writ petition."

3. Learned counsel for the petitioner submitted that the registration by the Board of the Durga Mandir is arbitrary and without there being any credible enquiry conducted at the spot in the presence of the petitioner. It was further his stand that no temple exists and there is only a room in which, once a year, a temporary idol is kept and later immersed in the water and there is no permanent puja held throughout the year. It was further submitted that even the said room is not used for any religious purpose for the rest of the year.

4. Learned counsel for the Board submitted that in the counter affidavit, they have taken a stand that the registration is of the Mandir which is standing on Government land and not private land, including that belonging to the petitioner i.e., Plot No. 420 under Khata No. 226. It has been stated that though the entire area is 4.70 acres but the temple is only on a small part of the plot, which has been registered and thus, the petitioner has no cause of action as



the action of the Board is only with regard to the Mandir situated on such Government land i.e., *Gair Mazarua Khas*. During course of submissions, learned counsel for the Board submitted that the Trust in question, which has been registered by the Board is not relating to any structure on any private land including that of the petitioner.

5. In view of the categorical stand taken by the Board, the writ petition stands disposed off with the observation that if the petitioner, in future, is aggrieved by any action of the Board, which affects the nature or right, title and possession of the petitioner with regard to his private *raiya* land, he shall be at liberty to move before the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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