

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1807 of 2016

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Pitamber Jha S/o Late Bhagwat Narayan Jha Cashier-cum-Secretary-in-Charge of
Shri 108 Ugranath Mahadev Temple situated at village - Bhawanipur, P.S. - Sakari,
District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Bihar State Religious Trust Board, Patna.
3. The Chairman, Bihar State Religious Trust Board, Patna.
4. The Principal Secretary, Department of Home, Government of Bihar, Patna.
5. The Commissioner, Darbhanga.
6. The Inspector General of Police, Darbhanga.
7. The Deputy Inspector General of Police, Darbhanga.
8. The District Magistrate, Madhubani.
9. The Superintendent of Police, Madhubani.
10. The Sub-Divisional Officer, Sadar, Madhubani, District - Madhubani.
11. The Block Development Officer, Block - Pandaul, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Bimal Kumar Jha, Advocate
For the State	:	Mr. Binod Kumar Yadav, SC 18 with Mr. Aditya Nath Jha, AC to SC 18
For the BSBRT	:	Mr. Ganpati Trivedi, Sr. Advocate with Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 20-03-2017

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

The petitioner claims to be the Cashier-cum-Secretary In-
Charge of Shri 108 Ugranath Mahadev Temple situated in village
Bhawanipur in the district of Madhubani, has moved the Court for a



direction to implement the Notification No. 1777 dated 04.09.2015 issued by the Chairman of the Board.

Before coming on the merits, in the considered opinion of the Court, such proceedings cannot be allowed, for the reason that it is clearly a proxy litigation. The petitioner has a claim on the Board and the Board has already passed certain orders. Thus, it is the responsibility of the Board to ensure compliance and implementation of its orders in the manner prescribed in law, that is, under the Bihar Hindu Religious Trusts Act, 1950. The Court cannot be made a forum where it has to implement the order passed by the Board. If the Board has any grievance, it has to take a stand and move before the appropriate forum for exercising its statutory rights and enforcing its orders passed lawfully under the statute.

In view of the aforesaid, the Court is not inclined to interfere in the matter at the instance of the petitioner and, accordingly, the application stands disposed off.

However, this will not preclude the parties from moving before the appropriate forum, in accordance with law, for redressal of their grievance, as raised in the present writ application.

(Ahsanuddin Amanullah, J)

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