

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19866 of 2016

- =====
1. Babloo Kumar Singh, Son of Late Chandrakant Singh, resident of Village Rampur Khajuria, P.S. Dumariaghat, District- East Champaran at Motihari.
 2. Badri Raut, son of Late Anchit Raut, resident of Village Rampur Khajuria, P.S. Dumarighat, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar the Chief Secretary, Bihar, Patna.
2. The Chief Secretary, Bihar, Patna.
3. Bihar State Religious Trust Board, through its Secretary, Bihar, Patna.
4. Secretary, Bihar State Religious Trust Board, Bihar, Patna.
5. District Magistrate, East Champaran at Motihari.
6. Superintendent of Police, East Champaran at Motihari.
7. Mahanth Ram Ratan Das, father's name not known to the petitioners, at present Mahanth of Rampurwa Math of Hindu Deities, East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Petitioners	:	Mr. Sanjay Kumar, Advocate
For the B.S.R.T.B	:	Mr. Ganpati Trivedi, Sr. Advocate Mr. Manoj Kumar, Advocate
For the State	:	Mr. Kaushal Kumar Jha, AAG-8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

Petitioners have filed this writ petition in public interest and seek removal of Respondent No. 7 from the post of Mahanth of Rampurwa Math of Hindu Deities, East Champaran at Motihari.

2. Sri Ganpati Trivedi, learned Senior Counsel representing the Bihar State Religious Trust Board and Sri Kaushal Kumar Jha, learned counsel appearing for the State Government point out that for the purpose of removal of a Mahanth, under the



provisions of the Bihar Hindu Religious Trust Act, a statutory provision for filing an application under Section 48 is available. The petitioners should take recourse to the remedy available under Section 48 by first approaching the Administrator of the Trust, make a complaint and thereafter the Board shall take recourse to the statutory remedy available in examining the complaint of the petitioners.

3. Keeping in view the aforesaid, as a statutory remedy is available to the petitioners, it is not appropriate to make indulgence into the matter exercising our extraordinary jurisdiction in a Public Interest Litigation under Article 226 of the Constitution, instead, petitioners are granted liberty to file a complaint before the Statutory Authority and the Statutory Authority is directed to proceed for deciding the complaint in accordance with law within a reasonable period.

4. With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	04.05.2017
Transmission Date	

