

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22908 of 2013

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Mahanth Tarkeshwar Giri Son of Sri Kailash Resident of Baba Mahendra Nath
Mandir, Mahendra Thana Siswan, P.O./ P.S. Chainpur, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Siwan
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Officer-In Charge, Siswan Police Station
5. Bihar State Board of Religious Trusts through its Chairman, Vidyapati Marg –
800001
6. The Chairman, Bihar State Board of Religious Trusts through its Chairman,
Vidyapati Marg - 800001

.... Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Kunal Tiwary, Advocate
For the State	:	Mr. Mrigendra Kumar, AC to GA-4
For the Respondents		
No. 5 & 6	:	Mr. Shekhar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 23-08-2017

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

2. Though at the initial stage the petitioner had moved the
Court against the order dated 08.09.2013, which was with regard to
forming of a Committee to run the Baba Mahendra Nath Mandir in
the district of Siwan, but subsequently the Board having appointed
another Committee, the same was also sought to be challenged by
filing of Interlocutory Application No. 1994 of 2017.



3. Learned counsel for the Board submitted that though for his own appointment as Mahanth, the petitioner had earlier moved the Court in CWJC No. 24938 of 2013, which was withdrawn as infructuous, the issue more or less is similar. However, he submitted that if the petitioner is aggrieved by the constitution of the Committee and framing of the Scheme, the same is always amenable to scrutiny by the District Judge, Siwan, under Section 32(3) of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as the 'Act').

4. Learned counsel for the petitioner, faced with the situation, agreed to the writ petition being disposed off with liberty aforesaid.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioner to approach the District Judge, Siwan with regard to his grievance relating to constitution of the Committee and framing of Scheme for Baba Mahendra Nath Mandir in the district of Siwan under Section 32(3) of the Act.

6. If such an application is filed within one month from today, the same shall be disposed off on merit expeditiously and preferably within six months from the date of its filing, without being prejudiced by the present order.

7. If the petitioner moves before the District Judge, Siwan, within one month from today, the District Judge, Siwan shall take



into consideration all materials/documents/reports, which may be produced before him, for proper adjudication of the *lis* and after hearing the parties shall pass orders within the time stipulated above, without being prejudiced by the withdrawal of the present writ petition.

8. Pending Interlocutory Applications stand disposed off.

(Ahsanuddin Amanullah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

