

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.598 of 2017

In

Civil Writ Jurisdiction Case No.7825 of 2015

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1. Shivaji Singh, S/o late Shambhu Sharan Singh, R/o vill.- Babura, P.S.- Barahra, Dist.- Bhojpur, presently residing at B-203, Jamuna Enclave Aptt., near R.P.S. More (Off-Bailey Road), Patna - 801503.
 2. Smt. Rajeshwari Singh, W/o Prof. Babban Singh and D/o late S.S. Singh At Present residing at Old N.C.C. office, Near Sadar Hospital, Civil Lines, Buxar.
 3. Smt. Prabha Singh, W/o late Nagendra Sinha and D/o late S.S. Singh Residing at House No.- 50, Sardar Patel Path, North, S.K. Puri, Patna.
 4. Mihir Kumar Singh S/o late Poonam Singh & Late C.K. Singh and Grand Son of late S.S. Singh Presently residing at 50, Sardar Patel Path, North S.K.Puri, Patna.
 5. Mrs. Shalini Singh D/o late Poonam Singh & Late C.K. Singh and Grand Daughter of late S.S. Singh Presently at Mohalla - Prabhu Nath Nagar C/o Sri C.S.P. Singh (Retd. P.V.P.), Chapra.

... .. Appellant/s

Versus

1. The State of Bihar, through the Collector, Patna Distt. Patna.
2. The B.S.B.H. Religious Trust, through the then Chairman at present Administrator-cum-O.S.D. at Vidyapati Marg, Patna.
3. The Dy. Collector Land Reforms, Patna Collectorate, Patna.
4. The C.O.-cum-Prakhand Vikas Padadhikari, Phulwarishariff, Patna.
5. The Co called Religious trust named as 'Udasin Nanakshahi Sangat' at Phulwarishariff through its Secretary Sri Devendra Prasad, son of Late Ambika Prasad, Phulwarishariff, Patna.
6. The Prakhand Vikas Padadhikari-cum-P.I.O.Phulwarishariff, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s :

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2017

Seeking exception to an order passed by the
learned Writ Court on 15.02.2017 in C.W.J.C. No. 7825 of 2015,



this appeal has been filed under Clause 10 of the Letters Patent.

Appellants filed the writ petition aggrieved by an order dated 11.06.2011 passed by the Chairman, Bihar State Religious Trust Board, Patna whereby the claim of the appellants with regard to right, title and ownership of the area in question was rejected.

The learned Writ Court re-examined the matter and found that apart from the fact that the appellants have a statutory remedy under Section 43A and 434B of the Bihar Hindu Religious Trust Act, 1950 to raise the issue before the Tribunal where all disputed question of fact can be decided, the learned Writ Court came to the conclusion that the issue in question pertaining to right of the rival contesting parties for the property can be decided by the Tribunal and not in a writ petition.

We are of the considered view that in doing so, the learned Writ Court has not committed any error warranting reconsideration.

Learned counsel for the appellants tried to emphasize that the claim made by the private respondents to the property in question or their right to the same is based on forged and fabricated documents and, therefore, there being no dispute,



the Writ Curt could have exercised jurisdiction.

We are not impressed by the aforesaid submission of the learned counsel for the appellants. Once there was a dispute which could be adjudicated by a statutory authority, we find no reason to make any indulgence into the matter. The appellant should first exhaust the statutory remedy available.

Accordingly, finding no ground, the Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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