

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.520 of 2017

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1. Ranjit Mohan Son of Late Prasadi Mahto Resident of at Village-Biyawani, P.s.- Deepnagar, Distt. Nalanda
 2. Arun Kumar Chandrabansi Son of Kameshwar Prasad resident at Mohalla Sabazibazar P.S.-Laheri, Distt. Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Urban Development Department, Bihar, Patna.
2. The Chairman, Bihar State Board of Religious Trust Vidyapati Marg, Patna 8000 001
3. The Administrator, Bihar State Board of Religious Trust Vidyapathi Marg, Patna 8000001.
4. The District Magistrate, Nalanda District-Nalanda.
5. The Sub Divisional Officer, Biharsharif, Distt.- Nalanda.
6. The Block Development Officer, Biharsharif, District-Nalanda.
7. The Thana-in-Charge Biharsharif, Distrcit-Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Prasad Singh, Advocate
For the BSBRT	:	Mr. Ganpati Trivedi, Sr. Advocate
		Mr. Madan Mohan, Advocate
		Ms. Pallavi Pandey, Advocate
For the State	:	Mr. Arun Kumar, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-08-2017

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

2. Learned counsel for the petitioners has filed rejoinder to the counter affidavit. Let the same be kept on record.

3. The petitioners have moved the Court for the following reliefs:

"1. That this writ petition is being filed



on behalf of the petitioners for issuance of an appropriate order/order/direction/writ in the nature of Certiorari to set aside the order vide Memo no. 1811 dated 19.9.2016 passed by the Administrator (Respondent no. 3) Bihar State Board of Religious Trusts Patna whereby and whereunder the Respondent no. 3 has ordered to continuance the Trust committee of Baba Manik Ram Akharaha, Biharsharif, Nalanda, in arbitrary and illegal manner. However, new trust committee has been forwarded by the Respondent no. 4 to the Board.

II) And further be pleased to issuance of an appropriate order/orders/directions/writ in the nature of Mandamus directing and commanding to the Respondents to accept the trust committee which was forwarded by the District Magistrate Nalanda vide letter no. 826 dated 25.6.2016 to the Chairman, Bihar State Board of Religious Trust, Bihar, Patna.

III) And further be pleased to grant other relief/reliefs as the petitioner is entitled for.”

4. Learned counsel for the Board, at the very outset, submitted that since the grievance is with regard to the framing of the scheme and Constitution of the Committee under Section 32 of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as the ‘Act’), a statutory forum of moving before the District Judge of the concerned District is available to the petitioners under Section 32(3) of the Act. It was submitted that the petitioners, if so advised, may avail for such remedy and the matter is not required to be adjudicated straightaway by the High Court under its writ jurisdiction.

5. Faced with the situation, learned counsel for the



petitioners prayed that he may be permitted to withdraw the writ application to move before the District and Sessions Judge, Nalanda in the matter.

6. In view thereof, the writ petition stands disposed off with liberty aforesaid.

7. If the petitioners move before the District Judge, Nalanda under Section 32(3) of the Act, within four weeks from today, the same shall be decided on merits expeditiously and disposed off within a maximum period of six months from the date of its filing.

(Ahsanuddin Amanullah, J)

P. Kumar

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