

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3121 of 2016

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Acharya Mahanth Shatrughan Goswami, Chela - Late Muneshwar Goswami, R/o Dhanawti Badi Math, P.O. Dhanawti, P.S. Muffasil Siwan, District - Siwan through Mumtaz Ali, Manager, Dhanawti Badi Math, S/o Late Gawhar Ali, R/o Village - Khagawda, P.O. Dhanawti, P.S. Muffasil Siwan, District – Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Chapra.
3. The Superintendent of Police, Chapra.
4. The officer-in-Charge, P.S. Muffasil Chapra, District- Chapra.
5. Bihar State Board of Religious Trust through its Chairman Vidyapati Marg, Patna.
6. Acharya Mahanth Guru Prasad Goswami so called Chela of Late Mahanth Baccha Goswami, R/o Dhanawti Badi Math, P.S. Siwan Muffasil, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey, Advocate
For the BSBRT	:	Mr. Ganpati Trivedi, Sr. Advocate
		Mr. Madan Mohan and
		Mr. Manoj Kumar, Advocates
For the Intervenor	:	Mr. Ram Babu Rai, Advocate.
(Respondent No. 6)		

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-03-2017

Heard learned counsel for the petitioner, State, the

Bihar State Board of Religious Trusts and the respondent no. 6.

The petitioner has approached the Court for the following reliefs:

“ 1. That this application is being filed for issuance of an appropriate writ/order/direction upon the Respondents to take action against the antisocial elements and others who have illegally captured/encroached, the Acharya Gaddi Kabir Math, Dhanawti, branches at Imamganj and Sonapur District-



Chapra which is registered under the Bihar State Board of Religious Trust as a public Trust.

1/A That the petitioner further prays for issuance of any other appropriate writ/order/direction upon the State Respondent to protect the properties of a public trust which is at threat in the hands of illegal and antisocial elements and the old building of the Math at Imamganj and Sonapur is being demolished and a new structure is going to be created over the lands of the Math.

1/B That the petitioner further prays for issuance of any other appropriate writ/order/direction to which he is found entitled to.”

From the above, it is clear that the grievance of the petitioner was that the land of the Math was being encroached upon by antisocial elements.

A show cause has been filed on behalf of the respondent no. 1 in terms of earlier order of this Court dated 22.12.2016, asking the District Magistrate to explain on affidavit as to under what circumstances, he accepted the perfunctory report. In the said show cause, copy of an enquiry conducted by the DCLR, Sonapur, Saran on the direction of the District Magistrate, Chapra and submitted under Letter No. 20 dated 16.01.2017, has been brought on record. Perusal of the same discloses that there is no encroachment or threat to the corpus of the Trust in question.



In view of the prayer made by the writ petitioner for saving the corpus from encroachment of antisocial elements, and report submitted by the District authorities, who have categorically taken a stand, based upon enquiry, that there is no encroachment or threat to the land of the Trust in question, this Court finds that nothing remains in the present writ application.

Accordingly, the same stands disposed off.

(Ahsanuddin Amanullah, J.)

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