

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1296 of 2016

=====

Mahanth Gautamanand Giri, Chela of Late Mahanth Haridwar Giri, Resident of Bal Nath Mahadeo Math, vill. Toi, post Office Paharpur, Toi, Police Station Sahdei Buzurg, Distt. Vaishali.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Revenue, Govt. of Bihar, Patna.
2. The Bihar State Board of Religious Trusts Vidyapati Marg Patna, Through its Chairman.
3. The Chairman, Bihar State Board of Religious Trusts, Vidyapati Marg, Patna- 1.
4. Mahanth Shankar Giri chela of Late Mahanth Pancham Giri, Resident of Gauri Shankar Mahadeo Math, village Shitalpur Chak Masood, P.O. and P.S. Biddupur, District Vaishali.
5. Brahma Narayan Puri S/o "Name not known" Maha Nirvani Akhara, Daraganj, Allahabad, Uttar Pradesh PIN-Code 211006, at present Bal Nath Mahadeo Math, Village- Toi, Police Station- Sahdei Buzurg, District- Vaishali

.... Respondent/s

=====

Appearance :

For the Appellant/s :

For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4. 16.08.2017

Delay of 102 days in filing of the appeal is condoned.

I.A. No. 5074 of 2016 stands allowed and disposed of.

Seeking exception to an order dated 11.02.2016 passed by the learned Writ Court in C.W.J.C. No. 8494 of 2013 this writ appeal has been filed.

In a dispute pertaining to appointment of a Mahanth to the Math in question, the learned Writ Court found that there are



various disputed questions of fact and the rival claim for appointment of Mahanth which is based on various questions of fact in dispute cannot be undertaken without recording of evidence and, therefore, refused to exercise its extraordinary jurisdiction and relegated the parties to take recourse to the remedy by filing a suit where the dispute on facts could be adjudicated.

In our considered view, in doing so, the learned Writ Court has not committed any error warranting reconsideration. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

U

