

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4130 of 2017

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1. Nathany Charitable Trust having its Office at Gopal Bhawan, 177, Chitranjan Avenue, Calcutta - 700007 through its Joint Trustee, Yogendra Kumar Nathany, S/o Late Hari Ram Nathany, resident at Gopal Bhawan, 177, Chitranjan Avenue, Calcutta - 700007
 2. Pawan Kumar Nathany, S/o Late Ram Kumar Nathany, R/o 12/A Madan Charitable Trust at Gopal Bhawan, 177, Chitranjan Avenue, Calcutta - 700007

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Muzaffarpur
2. The Bihar State Religious Trust Board, Vidyapati Marg, Patna 800001
3. The Administrator, Bihar State Religious Trust Board, Vidyapati Marg, Patna 800001
4. The Board of Trustee of Sri Baldeo Das Basant Lal Charmshala, Sutapatti, Muzaffarpur, through its Chairman namely Sri Jai Prakash Singh, S/o Not Known to the Petitioner Additional Sessions Judge (Retired), Village - Baqiriya Ahiyapur, P.S. Ahiyapur, District - Muzaffarpur
5. Sri Ranjit Kumar Sah, S/o Sundar Lal Sah, Bank Road, Saraiyaganj, P.S. Town Thana, Muzaffarpur, District - Muzaffarpur
6. Sri Arun Chamariya, Son of Sri Beni Prasad Chamariya, Sutapatti, P.S. Town Thana, Muzaffarpur, District - Muzaffarpur
7. Sri Vijay Kumar Poddar, S/o Suraj Prasad Poddar, VIP Agencies, Nagarmal, Banka Market, Sutapatti, P.S. Town Thana, Muzaffarpur, District - Muzaffarpur
8. Sri Subodh Kumar Sahu, S/o Sri Dwarika Prasad Sahu, Bihari Bhawan, Aamgola, P.S. Kaji Mohammadpur, Muzaffarpur, District - Muzaffarpur
9. Sri Rajesh Kumar Saraf, S/o Late Laxmi Prasad Saraf, Hindustan Agency, Rani Sati Mandir, Sikandarpur Chowk, P.S. Town Thana, Muzaffarpur, District - Muzaffarpur
10. Sri Devendra Kumar Chachan, Son of Sri Hari Prasad Chachan, resident of Mohalla - Durga Asthan, Gola Road, P.S. Town Thana, District - Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. K. Shahi, Sr. Advocate with Mr. Subodh Kumar Jha, Advocate
For the State	:	Mr. Sunil Kumar Mandal, SC 3 with Mr. Bipin Kumar, AC SC 3
For the BSBRT	:	Mr. Ganpati Trivedi, Sr. Advocate with Mr. Madan Mohan and Mrs. Pallavi Pandey, Advocates

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 24-08-2017

Heard Mr. P. K. Shahi, learned senior counsel along with Mr. Subodh Kumar Jha, learned counsel for the petitioners; learned counsel for the State and Mr. Ganpati Trivedi, learned senior counsel along with Mr. Madan Mohan and Mrs. Pallavi Pandey, learned counsel for the Bihar State Board of Religious Trusts (hereinafter referred to as the 'Board').

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

“ That this writ application is being filed for issuance of an appropriate writ/writs, order or orders in the nature of certiorari for quashing of Bihar Gazette published in Asadharan Ank by the State of Bihar dated 09.01.2017 by which a notification issued by the Bihar State Religious Trust Board dated 20.09.2016 issued under the signature of its Administrator has been published by superseding Under Section 80 of Bihar Hindu Religious Trust Act towards Baldeo Das Basant Lal Dharmshala, Sutapatti, Muzaffarpur and appointed respondent No. 4 to 10 to manage the affair of Sri Baldeo Das Basant Lal Dharmshala, Sutapatti, Muzaffarpur under Section 81 (kh) read with Section 6 (K) of Bihar Hindu Religious Trust Act, 1950 (hereinafter referred to as Trust) to settle



schemes for proper administration of Religious Trust Under Section 32 contrary to the mandate of law, without giving the petitioner reasonable and sufficient opportunity of being heard and further for issuance of an appropriate writ in the nature of mandamus for directing and commanding the respondents particularly the respondent No. 2 and 3 not to disturb the functioning of the petitioner towards trust which is a private trust and as much as matter for permission of sale of the trust property is pending before the Hon'ble Calcutta High Court in ACR No. 6/13 Under Section 7 of Charitable and Religious Trust Act, 1920 and further for any other appropriate relief or reliefs for which the petitioner is entitled in the facts and circumstances of this case."

3. After some arguments, in view of objection taken by the Board with regard to there being an alternate forum, learned counsel for the petitioners submitted that the writ petition be disposed off with liberty to the petitioners to move before the concerned District Judge with regard to the reliefs claimed in the present writ petition, under Section 32 (3) of the Bihar Hindu Religious Trusts Act, 1950 (hereinafter referred to as the 'Act').

4. Learned counsel for the respondents do not object.

5. In view thereof, the writ petition stands disposed off with liberty to the petitioners to file appropriate application under



Section 32 (3) of the Act with regard to the reliefs claimed in the present writ petition. If the same is done within four weeks from today, along with a copy of this order, the District Judge concerned shall hear the matter and pass final orders on merits, expeditiously and in any case latest within three months from the date of filing of such application.

6. The petitioners are liberty that after filing of the case, they may serve a copy of the same on the Board indicating the next date fixed in the case and the Board shall enter appearance on the said date and cooperate in the matter with a view to its final disposal within the time stipulated by the Court.

7. It shall be open to the parties to raise all the issues involved which shall be considered by the District Judge concerned and disposal of the present writ petition shall not prejudice the case of either party. It is made clear that the Court has not expressed any opinion on merits.

(Ahsanuddin Amanullah, J)

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